Publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN

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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Chronological order of ratifications of, or accessions to, the Convention

Having received the 60th instrument of ratification or accession on 16 November 1993, the Convention, according to article 308, will enter into force on 16 November 1994.

	Date	State/Entity	Regional group
1.	10 December 1982	Fiji	Asian
2.	7 March 1983	Zambia	African
3.	18 March 1983	Mexico	Latin Am./Carib.
4.	21 March 1983	Jamaica	Latin Am./Carib.
5.	18 April 1983	Namibia	Africa
6.	7 June 1983	Ghana	African
7.	29 July 1983	Bahamas	Latin Am./Carib.
8.	13 August 1983	Belize	Latin Am./Carib.
9.	26 August 1983	Egypt	African
10.	26 March 1984	Côte d'Ivoire	African
11.	8 May 1984	Philippines	Asian
12.	22 May 1984	Gambia	African
13.	15 August 1984	Cuba	Latin Am./Carib.
14.	25 October 1984	Senegal	African
15.	23 January 1985	Sudan	African
16.	27 March 1985	Saint Lucia	Latin Am./Carib.
17.	16 April 1985	Togo	African
18.	24 April 1985	Tunisia	African
19.	30 May 1985	Bahrain	Asian
20.	21 June 1985	Iceland	W. European/Others
21.	16 July 1985	Mali	African
22.	30 July 1985	Iraq	Asian
23.	6 September 1985	Guinea	African
24.	30 September 1985	United Rep. of Tanzania	African
25.	19 November 1985	Cameroon	African
26.	3 February 1986	Indonesia	Asian
27.	25 April 1986	Trinidad/Tobago	Latin Am./Carib.
28.	2 May 1986	Kuwait	Asian
29.	5 May 1986	Yugoslavia	Eastern European
30.	14 August 1986	Nigeria	African
31.	25 August 1986	Guinea-Bissau	African
32.	26 September 1986	Paraguay	Latin Am./Carib.
33.	21 July 1987	Yemen	Asian
34.	10 August 1987	Cape Verde	African
35.	3 November 1987	Sao Tome/Principe	African

	Date	State/Entity	Regional group
36.	12 December 1988	Cyprus	Asian
37.	22 December 1988	Brazil	Latin Am./Carib.
38.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
39.	17 February 1989	Zaire	African
40.	2 March 1989	Kenya	African
41.	24 July 1989	Somalia	African
42.	17 August 1989	Oman	Asian
43.	2 May 1990	Botswana	African
44.	9 November 1990	Uganda	African
45.	5 December 1990	Angola	African
46.	25 April 1991	Grenada	Latin Am./Carib.
47.	29 April 1991	Micronesia (Fed. States of)[1]	Asian
48.	9 August 1991	Marshall Islands[1]	Asian
49.	16 September 1991	Seychelles	African
50.	8 October 1991	Djibouti	African
51.	24 October 1991	Dominica	Latin Am./Carib.
52.	21 September 1992	Costa Rica	Latin Am..Carib.
53.	10 December 1992	Uruguay	Latin Am./Carib.
54.	7 January 1993	St. Kitts and Nevis	Latin Am./Carib.
55.	24 February 1993	Zimbabwe	Africa
56.	20 May 1993	Malta	W. European/Others
57.	1 October 1993	St. Vincent and the Grenadines	Latin Am./Carib.
58.	5 October 1993	Honduras	Latin Am./Carib.
59.	12 October 1993	Barbados	Latin Am./Carib.
60.	16 November 1993	Guyana	Latin Am./Carib.

1/ Accession to the Convention.

B. Ratifications of, and accessions to, the Convention by regional groups

	Date	State	Regional group
1.	5 December 1990	Angola	African
2.	2 May 1990	Botswana	"
3.	19 November 1985	Cameroon	"
4.	10 August 1987	Cape Verde	"
5.	26 March 1984	Côte d'Ivoire	"
6.	8 October 1991	Djibouti	"
7.	26 August 1983	Egypt	"
8.	22 May 1984	Gambia	"
9.	7 June 1983	Ghana	"
10.	6 September 1985	Guinea	"
11.	25 August 1986	Guinea-Bissau	"
12.	2 March 1989	Kenya	"
13.	16 July 1985	Mali	"
14.	18 April 1983	Namibia	"
15.	14 August 1986	Nigeria	"
16.	3 November 1987	Sao Tome and Principe	"
17.	25 October 1984	Senegal	"
18.	16 September 1991	Seychelles	"
19.	24 July 1989	Somalia	"
20.	23 January 1985	Sudan	"
21.	16 April 1985	Togo	"
22.	24 April 1985	Tunisia	"
23.	9 November 1990	Uganda	"
24.	30 September 1985	United Republic of Tanzania	"
25.	17 February 1989	Zaire	"
26.	7 March 1983	Zambia	"
27.	24 February 1993	Zimbabwe	"
1.	30 May 1985	Bahrain	Asian
2.	12 December 1988	Cyprus	"
3	10 December 1982	Fiji	"
4.	3 February 1986	Indonesia	"
5.	30 July 1985	Iraq	"
6.	2 May 1986	Kuwait	"
7.	29 April 1991	Micronesia (Fed. States of)[1]	"
8.	9 August 1991	Marshall Islands[1]	"
9.	17 August 1989	Oman	"
10.	8 May 1984	Philippines	"
11.	21 July 1987	Yemen	"

1/ Accession to the Convention.

	Date	State	Regional group
1.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
2.	29 July 1983	Bahamas	"
3.	12 October 1993	Barbados	"
4.	13 August 1983	Belize	"
5.	22 December 1988	Brazil	"
6.	21 September 1992	Costa Rica	"
7.	15 August 1984	Cuba	"
8.	24 October 1991	Dominica	"
9.	25 April 1991	Grenada	"
10.	16 November 1993	Guyana	"
11.	5 October 1993	Honduras	"
12.	21 March 1983	Jamaica	"
13.	18 March 1983	Mexico	"
14.	26 September 1986	Paraguay	"
15.	7 January 1993	Saint Kitts and Nevis	"
16.	27 March 1985	Saint Lucia	"
17.	1 October 1993	Saint Vincent and the Grenadines	"
18.	25 April 1986	Trinidad and Tobago	"
19.	10 December 1992	Uruguay	"
1.	21 June 1985	Iceland	Western European and Other States
2.	20 May 1993	Malta	"
1.	5 May 1986	Yugoslavia	Eastern European

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Recent national legislation and notices received from Governments

1. BAHRAIN [1]

Law by Decree No. 8 of 1993 with respect to the territorial sea and contiguous zone of the State of Bahrain

Whereas the State of Bahrain exercises sovereignty over the territorial sea, and sovereign rights, control and jurisdiction over the seas and the continental shelf adjacent to its shores in accordance with the rules of international law and within the limits prescribed by that law;

Recognizing that the United Nations Convention on the Law of the Sea of 1982 which was ratified on 30 May 1985 by the State of Bahrain pursuant to the Law by Decree No. 8 of 1985 represents a statement of the rules of contemporary international law which accords with the views of the States generally in relation to the matters dealt with in the provisions of this Law;

AND upon the recommendation of the Minister of Foreign Affairs;
AND after consulting the Shura Council;
AND after the approval of the Council of Ministers;

DO HEREBY DECREE THE FOLLOWING LAW

Article 1

The breadth of the territorial sea of the State of Bahrain shall be 12 nautical miles, measured from baselines drawn in accordance with the United Nations Convention on the Law of the Sea, 1982.

Article 2

The breadth of the contiguous zone shall be 24 nautical miles, measured from the baselines referred to in article 1 of this Law.

Article 3

All Ministers, each within his competence, shall implement the provisions of this Law, which shall have effect as from the date of its publication in the Official Gazette.

Issued at Riffa Palace on 29 Shawal 1413, corresponding to 20 April 1993.

1/ Text transmitted by the Permanent Mission of Bahrain to the United Nations in a note verbale dated 13 October 1993.

2. CYPRUS [1]

Geographical coordinates showing baselines for measuring the breadth of the territorial sea

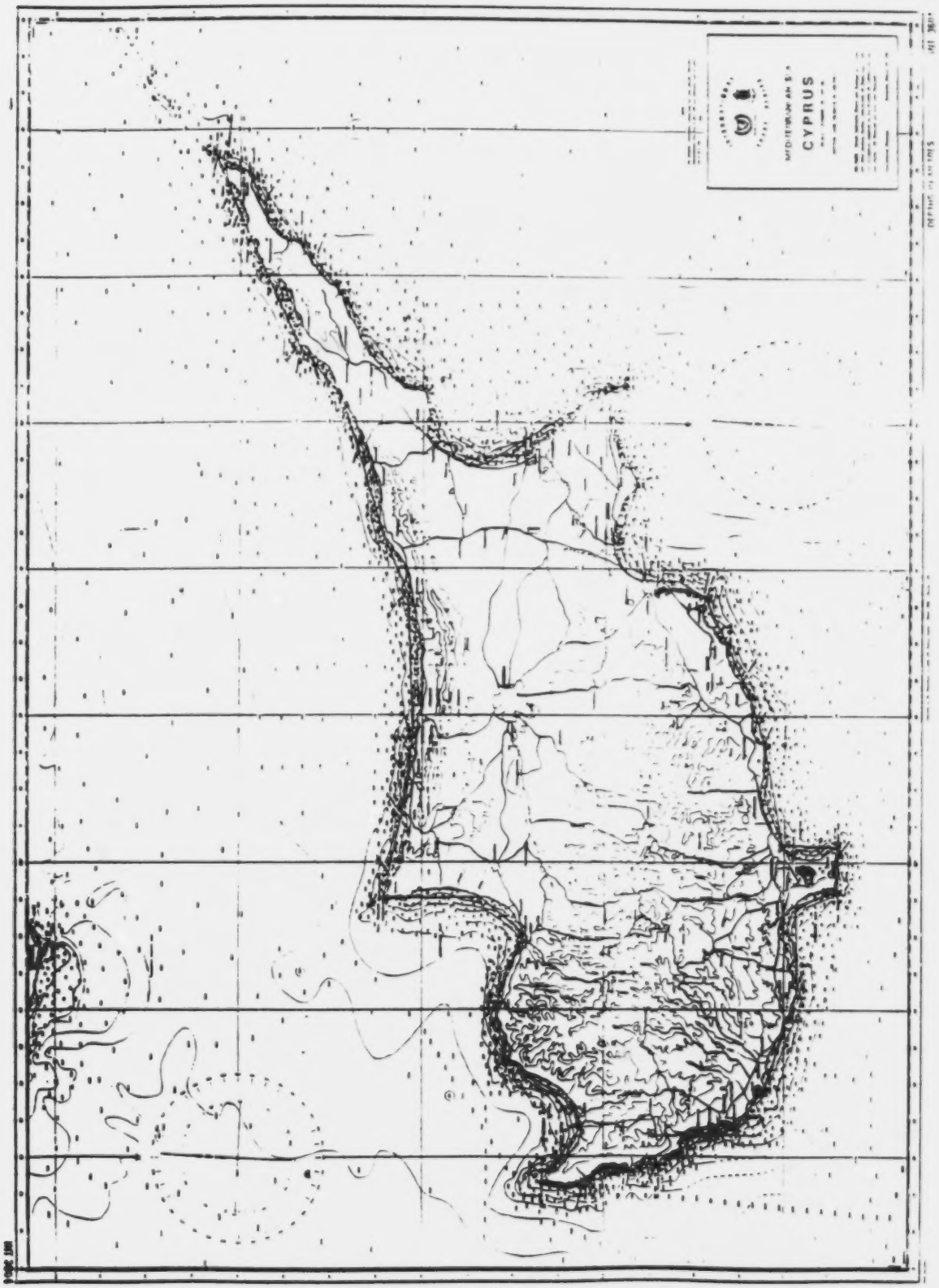
The Permanent Mission of the Republic of Cyprus to the United Nations would like to deposit the attached copy of geographical coordinates showing baselines for measuring the breadth of the territorial sea of Cyprus where the above coordinates are drawn.

Sequence	Latitude	Longitude
1.	35° 06' 49"	32° 16' 52"
2.	35° 05' 40"	32° 16' 31"
3.	35° 04' 15"	32° 16' 12"
4.	35° 02' 21"	32° 16' 15"
5.	35° 01' 30"	32° 16' 29"
6.	34° 57' 05"	32° 18' 15"
7.	34° 53' 59"	32° 18' 32"
8.	34° 51' 30"	32° 21' 03"
9.	34° 45' 19"	32° 24' 15"
10.	34° 42' 13"	32° 29' 42"
11.	34° 39' 17"	32° 39' 29"
12.	34° 38' 30"	32° 42' 19"
13.	34° 38' 42"	32° 54' 07"
14.	34° 34' 01"	32° 56' 06"
15.	34° 33' 47"	33° 01' 45"
16.	34° 34' 06"	33° 02' 12"
17.	34° 40' 14"	33° 02' 30"
18.	34° 42' 19"	33° 15' 42"
19.	34° 43' 12"	33° 19' 37"
20.	34° 43' 52"	33° 22' 06"
21.	34° 46' 45"	33° 29' 47"
22.	34° 49' 08"	33° 36' 18"

1/ **Text transmitted by the Permanent Mission of Cyprus to the United Nations in a note verbale, Ref. No. 2001/254, dated 3 May 1993.**

Sequence	Latitude	Longitude
23.	34° 51' 48"	33° 38' 18"
24.	34° 55' 41"	33° 38' 57"
25.	34° 58' 44"	33° 43' 52"
26.	34° 56' 32"	33° 51' 46"
27.	34° 58' 52"	34° 57' 23"
28.	34° 57' 20"	34° 05' 05"
29.	34° 57' 38"	34° 05' 13"
30.	34° 59' 21"	34° 04' 38"
31.	35° 00' 40"	34° 03' 55"
32.	35° 13' 10"	33° 54' 15"
33.	35° 16' 50"	33° 55' 36"
34.	35° 19' 45"	34° 04' 00"
35.	35° 22' 25"	34° 05' 22"
36.	35° 29' 40"	34° 18' 40"
37.	35° 33' 21"	34° 24' 30"
38.	35° 38' 31"	34° 33' 40"
39.	35° 39' 04"	34° 34' 15"
40.	35° 42' 36"	34° 36' 22"
41.	35° 39' 10"	34° 25' 52"
42.	35° 33' 41"	34° 10' 38"
43.	35° 28' 57"	34° 03' 11"
44.	35° 24' 33"	33° 45' 11"
45.	35° 21' 37"	33° 36' 25"
46.	35° 21' 00"	33° 17' 27"
47.	35° 22' 08"	33° 06' 52"
48.	35° 24' 08"	32° 55' 10"
49.	35° 13' 42"	32° 55' 15"
50.	35° 08' 38"	32° 50' 15"
51.	35° 10' 58"	32° 44' 25"

Sequence	Latitude	Longitude
52.	35° 11' 45"	32° 40' 11"
53.	35° 11' 45"	32° 38' 37"
54.	35° 10' 35"	32° 33' 15"
55.	35° 08' 37"	32° 31' 27"
56.	35° 3' 20"	32° 27' 05"
57.	35° 02' 30"	32° 23' 52"


CYPRUS

3. IRAN (ISLAMIC REPUBLIC OF) [1]

Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea

PART I
Territorial sea

Article 1
Sovereignty

The sovereignty of the Islamic Republic of Iran extends, beyond its land territory, internal waters and its islands in the Persian Gulf, the strait of Hormuz and the Oman Sea, to a belt of sea, adjacent to the baseline, described as the territorial sea.

This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 2
Outer limit

The breadth of the territorial sea is 12 nautical miles, measured from the baseline. Each nautical mile is equal to 1,352 metres.

The islands belonging to Iran, whether situated within or outside its territorial sea, have, in accordance with this Act, their own territorial sea.

Article 3
Baseline

In the Persian Gulf and the Oman Sea, the baseline from which the breath of the territorial sea is measured is that one determined in Decree No. 2/250-67 dated 31 Tir 1352 (22 July 1973) of the Council of Ministers (annexed to this Act);[2] in other areas and islands, the low-water line along the coast constitutes the baseline.

Waters on the landward side of the baseline of the territorial sea, and waters between islands belonging to Iran, where the distance of such islands does not exceed 24 nautical miles, form part of the internal waters and are under the sovereignty of the Islamic Republic of Iran.

Article 4
Delimitation

Wherever the territorial sea of Iran overlaps the territorial seas of the States with opposite or adjacent coasts, the dividing line between the territorial seas of Iran and those states shall be, unless

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1/ Text transmitted by the Permanent Mission of the Islamic Republic of Iran to the United Nations in a note verbale No. 152, dated 6 July 1993.

2/ The text of Decree No. 2/250-67 dated 31 Tir 1352 (22 July 1973) is not annexed to this Act; it has already been reproduced in: United Nations Legislative Series, National Legislation and Treaties relating to the Law of the Sea (ST/LEG/SER.B/19), p. 55.

otherwise agreed between the two parties, the median line every point of which is equidistant from the nearest point on the baseline of both States.

Article 5
Innocent passage

The passage of foreign vessels, except as provided for in article 9, is subject to the principle of innocent passage so long as it is not prejudicial to good order, peace and security of the Islamic Republic of Iran.

Passage, except as in cases of force majeure, shall be continuous and expeditious.

Article 6
Requirements of innocent passage

Passage of foreign vessels, in cases when they are engaged in any of the following activities, shall not be considered innocent and shall be subject to relevant civil and criminal laws and regulations:

(a) Any threat or use of force against the sovereignty, territorial integrity or political independence of the Islamic Republic of Iran, or in any other manner in violation of the principles of international law;

(b) Any exercise or practice with weapons of any kind;

(c) Any act aimed at collecting information prejudicial to the national security, defence or economic interests of the Islamic Republic of Iran;

(d) Any act of propaganda aimed at affecting the national security, defence or economic interests of the Islamic Republic of Iran;

(e) The launching, landing or transferring on board of any aircraft or helicopter, or any military devices or personnel to another vessel or to the coast;

(f) The loading or unloading of any commodity, currency or person contrary to the laws and regulations of the Islamic Republic of Iran;

(g) Any act of pollution of the marine environment contrary to the rules and regulations of the Islamic Republic of Iran;

(h) Any act of fishing or exploitation of the marine resources;

(i) The carrying out of any scientific research and cartographic and seismic surveys or sampling activities;

(j) Interfering with any systems of communication or any other facilities or installations of the Islamic Republic of Iran;

(k) Any other activity not having a direct bearing on passage.

Article 7
Supplementary laws and regulations

The Government of the Islamic Republic of Iran shall adopt such other regulations as are necessary for the protection of its national interests and the proper conduct of innocent passage.

Article 8
Suspension of innocent passage

The Government of the Islamic Republic of Iran, inspired by its high national interests and to defend its security, may suspend the innocent passage in parts of its territorial sea.

Article 9
Exceptions to innocent passage

Passage of warships, submarines, nuclear-powered ships and vessels or any other floating objects or vessels carrying nuclear or other dangerous or noxious substances harmful to the environment, through the territorial sea is subject to the prior authorization of the relevant authorities of the Islamic Republic of Iran. Submarines are required to navigate on the surface and to show their flag.

Article 10
Criminal jurisdiction

In the following cases, the investigation, prosecution and punishment in connection with any crimes committed on board the ships passing through the territorial sea is within the jurisdiction of the judicial authorities of the Islamic Republic of Iran:

(a) If the consequences of the crime extend to the Islamic Republic of Iran;

(b) If the crime is of a kind to disturb the peace and order of the country or the public order of the territorial sea;

(c) If the master of the ship or a diplomatic agent or consular officer of the flag State asks for the assistance and investigation;

(d) If such investigation and prosecution is essential for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

Article 11
Civil jurisdiction

The competent authorities of the Islamic Republic of Iran may stop, divert or detain a ship and its crew for the enforcement of attachment orders or court judgements if:

(a) The ship is passing through the territorial sea after leaving the internal waters of Iran;

(b) The ship is lying in the territorial sea of Iran;

(c) The ship is passing through the territorial sea, provided that the origin of the attachment order or court judgement rests in the obligations or requirements arising from the civil liability of the ship itself.

PART II
Contiguous zone

Article 12
Definition

The contiguous zone is an area adjacent to the territorial sea the outer limit of which is 24 nautical miles from the baseline.

Article 13
Civil and criminal jurisdiction

The Government of the Islamic Republic of Iran my adopt measures necessary to prevent the infringement of laws and regulations in the contiguous zone, including security, customs, maritime, fiscal, immigration, sanitary and environmental laws and regulations and investigation and punishment of offenders.

PART III
Exclusive economic zone and continental shelf

Article 14
Sovereign rights and jurisdiction in the exclusive economic zone

Beyond its territorial sea, which is called the exclusive economic zone, the Islamic Republic of Iran exercises its sovereign rights and jurisdiction with regard to:

(a) Exploration, exploitation, conservation and management of all natural resources, whether living or non-living, of the seabed and subsoil thereof and its superjacent waters, and with regard to other economic activities for the production of energy from water, currents and winds. These rights are exclusive;

(b) Adoption and enforcement of appropriate laws and regulations, especially for the following activities:

(i) The establishment and use of artificial islands and other installations and structures, laying of submarine cables and pipelines and the establishment of relevant security and safety zones;

(ii) Any kind of research;

(iii) The protection and preservation of the marine environment;

(c) Such sovereign rights as granted by regional or international treaties.

Article 15
Sovereign rights and jurisdiction in the continental shelf

The provisions of article 14 shall apply mutatis mutandis to the sovereign rights and jurisdiction of the Islamic Republic of Iran in its continental shelf, which comprises the seabed and subsoil of the marine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory.

Article 16
Prohibited activities

Foreign military activities and practices, collection of information and any other activity inconsistent with the rights and interests of the Islamic Republic of Iran in the exclusive economic zone and the continental shelf are prohibited.

Article 17
Scientific activities, exploration and research

Any activity to recover drowned objects and scientific research and exploration in the exclusive economic zone and the continental shelf is subject to the permission of the relevant authorities of the Islamic Republic of Iran.

Article 18
Preservation of the environment and natural resources

The Government of the Islamic Republic of Iran shall take appropriate measures for the protection and preservation of the marine environment and proper exploitation of living and other resources of the exclusive economic zone and the continental shelf.

Article 19
Delimitation

The limits of the exclusive economic zone and the continental shelf of the Islamic Republic of Iran, unless otherwise determined in accordance with bilateral agreements, shall be a line every point of which is equidistant from the nearest point on the baselines of two States.

Article 20
Civil and criminal jurisdiction

The Islamic Republic of Iran shall exercise its criminal and civil jurisdiction against offenders of the laws and regulations in the exclusive economic zone and continental shelf and shall, as appropriate, investigate or detain them.

Article 21
Right of hot pursuit

The Government of the Islamic Republic of Iran reserves its right of hot pursuit against offenders of laws and regulations relating to its internal waters, territorial sea, contiguous zone, exclusive economic zone and the continental shelf, in such areas and the high seas.

PART IV
Final provisions

Article 22
Executive regulations

The Council of Ministers shall specify the mandates and responsibilities [powers and duties] of different ministries and organizations charged with the enforcement of this Act.

The said ministries and organizations shall, within one year after the approval of this Act, prepare the necessary regulations and have them approved by the Council of Ministers.

Pending the adoption of new executive regulations, the existing rules and regulations shall remain in force.

Article 23

All laws and regulations contrary to the present Act, upon its ratification, are hereby abrogated.

The above Act, comprising 23 articles, was ratified at the plenary meeting of Tuesday, the thirty-first day of Farvrdin, one thousand three hundred and seventy-two (20 April 1993), of the Islamic Consultative Assembly and was approved by the Council of Guardians on Ordibehesht 12, 1372 (2 May 1993).

4. NETHERLANDS [1]

Decree of 6 July 1993 establishing a fishing zone for the Netherlands Antilles and Aruba (Fishing Zone (Netherlands Antilles and Aruba) Decree)

Article 1

1. There shall be a fishing zone off the coast of the Netherlands Antilles and Aruba, from the outer limit of the territorial sea.

2. The outer limit of the fishing zone shall be the boundary line agreed with other States.

3. Where no boundary line has been agreed with other States, the outer limit of the fishing zone shall be the line of which every point is equidistant from the nearest points of the baseline from which the width of the territorial sea of each of the two States is measured.

4. The boundary line between the fishing zones of the Netherlands Antilles and Aruba shall be the maritime boundary established by the Act of Parliament of the Kingdom of 12 December 1985 establishing a maritime boundary between the Netherlands Antilles and Aruba (Bulletin of Acts and Decrees 1985, 664).

Article 2

The Kingdom shall exercise exclusive rights with respect to fisheries in the zone referred to in article 1, having regard to the limits set by international law.

Article 3

This Decree shall enter into force on the first day of the second month after the date of publication of the Bulletin of Acts and Decrees in which it appears.

Article 4

This Decree may be cited as the Fishing Zone (Netherlands Antilles and Aruba) Decree.

[1/] **Text transmitted by the Permanent Mission of the Netherlands to the United Nations in a note verbale No. 9085, dated 22 September 1993.**

5. SPAIN [1]

Act No. 27/1992 of 24 November 1992 concerning national ports and merchant shipping (excerpts)

[Original: Spanish]

...

Chapter III
Merchant shipping

Article 6
Merchant shipping

1. For the purposes of this Act, merchant shipping shall comprise:

(a) The activity of shipping, except such shipping as is carried out solely between ports or points within a single Autonomous Community having competence in this area, which does not involve ports or points in other territorial areas;

(b) The management and inspection of the Spanish civilian fleet;

(c) The safety of navigation and life at sea;

(d) Maritime safety, including the training of pilots for in-port pilotage and the determination of in-port towage requirements as well as the availability of both services in cases of emergency;

(e) Maritime rescue operations, as provided for in article 87;

(f) The prevention of pollution from ships, fixed platforms and other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, and the protection of the marine environment;

(g) Technical and operational inspections of ships, crews and cargoes;

(h) The management of maritime traffic and communications;

(i) Verification of the position, flag and registry of civilian ships and the issuing of clearance therefor, without prejudice to any prior authorizations required by other competent authorities;

(j) Ensuring compliance with national defence obligations and obligations to protect civilians at sea;

(k) Any other maritime service which the Administration provided for in Title III, Chapter III, of this Act is required to provide by law.

2. Merchant shipping shall not include the management of the fishing fleet, with specific reference to fishing and management of the fisheries sector, or inspection activities in these areas.

1/ Communicated by the Permanent Mission of Spain to the United Nations. Translation provided by the United Nations Secretariat.

Article 7
Areas and types of navigation

1. Areas of navigation are those areas, in addition to internal waters, the territorial sea, the contiguous zone and the exclusive economic zone, over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- For the purposes of this Act, "Spanish internal waters" means those waters situated within the baselines of the territorial sea, including rivers, lakes and continental waters.

- "Territorial sea" means the sea extending to a distance of 12 nautical miles from the baselines from which its breadth is measured.

- "Contiguous zone" means the zone extending from the outer limit of the territorial sea up to a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

- "Exclusive economic zone" means the zone extending from the outer limit of the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

2. Depending on the area in which it takes place, navigation shall be internal, coastal, external or extra-national.

- "Internal navigation" means navigation which takes place wholly within the area of a given port or other Spanish internal waters.

- "Coastal navigation" means navigation other than internal navigation which is carried out between ports or points in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- "External navigation" means navigation between ports or points in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction and ports or points outside those areas.

"Extra-national navigation" means navigation between ports or points outside areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

3. Depending on the conditions under which it takes place, navigation may be classified as regular or irregular.

- "Regular navigation" means navigation that is subject to predetermined itineraries, schedules, tariffs and conditions of transport.

- "Irregular navigation" means navigation not listed in the preceding paragraph.

4. Navigation that serves the public interest means any navigation deemed necessary to ensure essential maritime communications on the Peninsula between the Peninsula and the non-peninsular Spanish territories, and between non-peninsular Spanish territories.

The Government shall classify navigation in accordance with the aforementioned categories.

Article 8
Civilian fleet and fixed platforms

1. For the purposes of this Act, "Spanish civilian fleet" means:

(a) The national merchant fleet;

(b) The national fishing fleet;

(c) National pleasure boats and sports craft;

(d) Other Spanish civilian vessels not included under (a), (b) and (c) above.

2. "Civilian ship" means any craft, platform or floating device with or without displacement, which is suitable for navigation and not intended for national defence.

3. "Merchant ship" means any civilian ship used for commercial navigation, excluding fishing vessels.

4. "Fixed platform" means any device or installation that may be used for the exploration or exploitation of marine natural resources, or for any other activities, which is located on the seabed or anchored or supported thereon.

5. This Act shall apply to the Spanish civilian fleet, as well as to fixed platforms in waters over which Spain exercises sovereignty, sovereign rights or jurisdiction.

The provisions of this Act shall apply also to foreign civilian ships in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, within the limitations established by international law, particularly with regard to cases of immunity.

6. Regulations shall be established to govern the application of this Act in respect of ships used by the police or to combat smuggling.

TITLE III
Merchant navy

Chapter I
Objectives

Article 74
Objectives

Within the framework of the jurisdiction conferred upon the State Administration by article 149.1 of the Spanish Constitution, the policy of the Merchant Navy shall aim to achieve the following objectives:

1. Ensuring the safety of life at sea;

2. Ensuring the safety of maritime navigation;

3. Ensuring maritime safety;

4. Protecting the marine environment;

5. Ensuring the availability of any maritime transport services required to meet the needs of the country;

6. Ensuring navigation that serves the public interest.

Chapter II

Shipping operations and the regime of navigation

Section 1.a
Ships and shipping companies

Article 75
Register of Ships and Shipping Companies

1. The Register of Ships and Shipping Companies is a public administrative register in which are recorded:

- Ships flying the Spanish flag;

- Spanish shipping companies.

2. For purposes of identification, entries in the Register shall indicate all relevant information about the ship and the modifications effected thereto, as well as the instruments and contracts by virtue of which it is owned or transferred, mortgages are constituted or rights in rem are enforced, and any other particulars required by statute or regulation.

3. Entries pertaining to shipping companies shall indicate their instrument of incorporation and amendments thereto, the appointment and dismissal of administrators, ships owned or operated, and any other particulars required by statute or regulation.

4. Inclusion in the Register of Ships and Shipping Companies shall not exempt a ship or shipping company listed therein from fulfilling the duties of inscription in other public registers that may exist.

5. The provisions of this article shall be without prejudice to the provisions of the fifteenth supplementary provision, governing the Special Register of Ships and Shipping Companies.

Article 76
Flagging of ships

1. Ships which are duly registered in Spain and fly the Spanish flag shall for all purposes have Spanish nationality.

2. Natural persons resident in Spain and corporations domiciled in Spain or in countries of the European Economic Community shall have the right to register and flag civilian ships, provided that corporations domiciled in countries of the European Economic Community designate a representative in Spain.

3. Spanish civilian ships may provisionally fly the flag of a foreign country and foreign civilian ships may fly the Spanish flag where the relevant regulations so provide.

4. All conditions to be met before a ship is granted the right to fly the Spanish flag shall be determined in the relevant regulations.

Article 77
Crews of ships

1. The number of a ship's crew members and the conditions under which they are trained must be adequate to ensure the safety of navigation and of the ship at all times, having regard to its technical and operational characteristics, in accordance with the relevant regulations.

2. The nationality requirements for States' crew members shall likewise be determined in the relevant regulations; however, citizens of the European Economic Community may, from the date of entry into force of this Act, be employed on ships as crew members provided that they do not exercise, even occasionally, public functions, which right shall be reserved for Spanish citizens.

Article 78
Civil liability

Spanish shipping companies shall be required to maintain insurance coverage against any civil liability they may incur while operating their ships, under terms to be specified in regulations by the Government that are consistent with standard liability policies on the international market.

Such regulations shall also establish the mandatory nature and the extent of civil liability insurance in respect of navigation by any other Spanish civilian ships not covered by the provisions of the preceding paragraph.

The Government shall likewise specify those cases in which foreign ships navigating in the exclusive economic zone, contiguous zone, territorial sea or internal waters of Spain shall be required to maintain insurance coverage against any civil liability that may arise from their navigation, as well as the extent of such coverage.

Section 2.a
Foreign trade in ships

Article 79
Import and export of ships

1. Spanish shipping companies may import any merchant ships they require for their activities, subject to proof of their removal from the register of origin and satisfactory results of technical safety inspection or other relevant inspections, as required by the legislation in force.

2. Spanish shipping companies may freely export Spanish merchant ships which they own.

Nevertheless, where such ships are subject to preferred charges, liens or shipping credits recognized by the legislation in force and listed in the commercial Register or in such other registers as may replace it, in accordance with the second final provision of Act No. 19/1989 of 25 July 1989, the creditor may demand, prior to export, that the shipping company provide sufficient guarantees executable on property or rights in Spanish territory, or that the shipping interest deposit the amount of the debt in the manner provided in articles 1.176 to 1.181 of the Civil Code. To this end, the Department of the Merchant Navy shall notify creditors holding registered liens of the existence of the dossier pertaining to the removal of the ship from the Registry of Ships so that they may exercise their right conferred on them by this article.

3. Requests for removal from the Register of Ships and Shipping Companies shall be submitted by the registered owner of the ship to the Department of the Merchant Navy and shall be considered granted if no other action is taken within a period of forty-five days.

4. Exceptionally, when essential maritime communications within the national territory or the provision of supplies and goods cannot be ensured, the Government may establish regulations prescribing the conditions or restrictions that shall apply to the export of merchant ships.

Such measures shall remain in force for as long as the above-mentioned circumstances continue to exist.

5. The provisions of this article shall be without prejudice to the laws and regulations governing foreign trade.

Section 3.a
Internal navigation

Article 80
Regime of internal navigation

1. Internal navigation for commercial purposes may be carried out only by Spanish merchant ships, except as otherwise provided in Community regulations.

Exceptionally, if no suitable Spanish merchant ship is available for a specific activity, and for as long as such a situation exists, Spanish shipping companies may be authorized by the Ministry of Public Works and Transport to hire and utilize foreign merchant ships to engage in internal navigation.

2. The ships referred to in the preceding paragraph may freely engage in internal navigation, subject to the relevant maritime safety, navigation and clearance regulations.

3. Regular internal navigation for commercial purposes may be subject to administrative authorization by the competent authorities.

Section 4.a
Coastal shipping

Article 81
Coastal shipping

1. Coastal shipping for commercial purposes may be carried out only by Spanish merchant ships, except as otherwise provided under Community regulations.

Exceptionally, if no suitable Spanish merchant ship is available, and for as long as such a situation exists, Spanish shipping companies may be authorized by the Ministry of Public Works and Transport to hire and utilize foreign merchant ships to engage in coastal shipping.

2. Regular coastal shipping for commercial purposes shall be subject to administrative authorization. The Ministry of Public Works and Transport shall determine the requirements to be met by shipping companies in certifying their economic capacity and that of the vessels in order to engage in such shipping.

3. For the purposes of this Act, regular shipping lines shall be considered to include any coastal shipping services which, although not designated as such, make themselves generally available to

prospective users and offer services that, by virtue of their regularity, advertising and contracting practices are similar to regular coastal shipping services.

4. The provisions of this article shall not apply to those Autonomous Communities having jurisdiction in the area of maritime transport when such transport takes place between ports or points of the same Community without involving ports or points of other territories.

Section 5.a
External and extra-national navigation

Article 82
External and extra-national navigation

1. When there exists a serious threat to the principles of open competition or free trade or to the principles on which international shipping is based and which affects Spanish ships, the Government may adopt any measures and provisions necessary to protect Spanish interests in the dispute.

2. Where the provisions of Community laws and regulations or international agreements signed by Spain are concerned, the Government may restrict all or part of certain traffic to Spanish or Community merchant ships if the national economy or defence so require.

Section 6.a
Public service obligations

Article 83
Public service obligations

1. The competent authorities may establish public service obligations for regular domestic or coastal shipping services as they deem appropriate, taking into consideration the special characteristics of such services, in order to ensure that they are provided on a continuous and regular basis. Such obligations may, where appropriate, result in entitlement to economic compensation from the authorities under conditions to be determined generally or in the relevant authorizations.

2. The competent authorities may also establish specific obligations for shipping companies providing regular or irregular internal, coastal, external or extra-national shipping services for purposes of rescue maritime safety, pollution control and other major undertakings that are in the public or social interest. This requirement shall, where appropriate, entitle the companies concerned to receive economic compensation for any additional costs incurred.

Section 7.a
Liner conferences and shippers' councils

Article 84
Liner conferences and shippers' councils

1. A liner conference means a group of two or more shipping companies that engage in regular coastal, external or international shipping on one or several specific routes within set geographical limits and have concluded an agreement of any type under which they operate on the basis of uniform or common rates or other agreed terms regarding navigation.

2. Liner conferences shall ensure adequate and efficient services, bearing in mind the interests of users.

Such conferences shall be subject to competition from regular non-member services and, in certain cases, from irregular services operating on the same routes. In no case, however, may conference activities imply the elimination of competition from a substantial share of the market in which they provide services, thereby leading to the domination of the companies comprising the conference.

3. Users of services provided by shipping lines which have formed conferences in accordance with the provisions of the preceding paragraph may form organizations known as shippers' councils for the purpose of protecting their interests, particularly with regard to the pricing, quality and regularity of the services provided, and may offer their members advisory and consultancy services in respect of shipping rates and services.

Article 85
Reporting and consultative obligations

1. Liner conferences whose ships stop in Spanish ports to take on or discharge goods shall, at the request of the Department of the Merchant Navy, transmit to the Department any agreements pertaining to the distribution of cargoes, stops or departures made, documents directly related to such agreements, tariffs and other conditions of transport.

2. When liner conferences and shippers' councils are established, both organizations shall consult with each other whenever either of the parties so requests with a view to resolving problems relating to shipping operations.

Chapter III
Maritime administration

Section I.a
Central administration

Article 86
Jurisdiction of the Ministry of Public Works and Transport

In keeping with provisions of article 74, the Ministry of Public Works and Transport shall have jurisdiction over the general management of maritime navigation and the civilian fleet, except for the activities of the fishing fleet and management of the fishing sector, over which the Ministry of Agriculture, Fisheries and Food shall have jurisdiction. In particular, the Ministry of Public Works shall be responsible for:

1. The safety of life at sea and the safety of navigation as it relates to all fixed platforms or Spanish civilian ships and to foreign ships in waters located in areas over which Spain exercises sovereignty, sovereign rights and jurisdiction, and in accordance with international law;

2. The rescue of life at sea, the cleanliness of maritime waters and control of marine pollution from ships or fixed platforms in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, taking any measures necessary to this end, particularly those indicated in article 118.2 (d) of this Act and in accordance with the plans and programmes provided for in article 87;

3. Verification of the position, registry and flag of all Spanish civilian ships and the regulation of clearance, without prejudice to any authorizations issued previously by other authorities;

4. The granting of shipping concessions or permits, except when an Autonomous Community has jurisdiction over maritime transport and if such transport takes place between ports or points of the Community without involving ports or points belonging to other territories;

5. Organizing and conducting technical, radio, safety and pollution-control inspections and monitoring in respect of all Spanish civilian ships, ships under construction in Spain and foreign ships, where authorized by international agreements. This shall include approvals and confirmations of equipment and parts of ships or of materials or appliances belonging thereto which are issued to ensure maritime safety, safety of life at sea and safety of navigation.

The aforesaid inspections and monitoring may be carried out either directly by the Ministry of Public Works and Transport or by collaborating bodies, in accordance with the relevant regulation. Such bodies shall in all cases follow the criteria and guidelines issued by the supervisory authority and shall be entitled to receive economic compensation to cover the cost of their services;

Assistance, rescue and towing, maritime findings and removals, except in the case of military equipment or materials that may affect defence, responsibility for which shall remain with the Ministry of Defence, without prejudice to any powers of the competent authorities in respect of findings or removals of historical, artistic or archaeological or value.

When direct action by the State Administration results in the awarding of prizes or compensation, such prizes or compensation shall be deposited directly in the Treasury, where they may generate credit to be used in developing the activities which resulted in such income.

When the Administration carries out the aforesaid activities through private or public entities, arrangements may be made for the distribution of such prizes or compensation under the terms of the service contracts concluded;

7. The management and supervision of shipping in waters located in zones over which Spain exercises sovereignty, sovereign rights or jurisdiction, without prejudice to the jurisdiction attributed to other authorities, and particularly the responsibility of the Ministry of Defence for the safeguarding of national sovereignty;

8. The pricing regime and the regime for the provision of all types of maritime services, including the establishment of public-service obligations when such responsibilities are not vested in other authorities;

9. Registration and supervision of civilian maritime personnel, establishment of minimum crew requirements for civilian ships in order to ensure safety, determination of the general suitability, professional and certification requirements for membership in the crew of all Spanish civilian ships, without prejudice to the responsibilities of the Ministry of Agriculture, Fishes and Food for training and vocational education in the areas of maritime and submarine fishery for crews of fishing vessels;

10. Participation in the Lighthouse Commission and other institutional arrangements for collaboration in the field of maritime signalling in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, with a view to:

(a) Helping to determine the technical characteristics and operational functioning of signals and their correct placement with a view to ensuring the safety of vessels and navigation;

(b) Coordinating maritime signalling systems with each other and with other active navigational aid systems;

11. Acting as a sanctioning authority, in accordance with the legislation in force;

12. Any other responsibilities attributed to it by this Act or by any other legislation.

Article 87
Public service: rescues

1. Public service in the form of life-saving and pollution control at sea shall be provided by the State Administration and by the other competent public authorities, in accordance with the principle of coordination as articulated in the relevant plans and programmes. Such plans and programmes shall set out all the actions to be taken by each authority and measures for implementing them independently of its authority, functional role or location.

2. On the proposal of the Ministry of Public Works and Transport, the Government shall adopt the National Plan of Special Services for life-saving and pollution control at sea. The plans of this type adopted by the competent Autonomous Communities shall follow the guidelines for the mobilization and coordination of resources set out in the National Plan.

The National Plan shall have as its basic objectives:

- **Coordinating the efforts of those units of the various authorities as well as public and private agencies that are capable of carrying out search-and-rescue and marine pollution control operations;**

- **Establishing a maritime traffic-control system covering the entire Spanish coast through the establishment of regional and local coordination centres;**

- **Strengthening existing life-saving and marine pollution control units and training specialized personnel to manage and coordinate search-and-rescue and marine pollution control operations.**

3. The National Plan shall be implemented by means of sectoral and local programmes to be approved by the Ministry of Public Works and Transport.

In formulating programmes, the State Administration may rely on the collaboration of the competent Autonomous Communities or those Communities which possess the human and material resources needed to carry out programme activities with a view to ensuring appropriate coordination.

The State Administration may implement programmes with its own staff and resources or those assigned to it, or by means of contracts with public or public enterprises or agreements with non-profit bodies.

4. The National Maritime Rescue Commission shall be established as a coordinating body to facilitate the participation of the competent public authorities in the planning and pursuit of Commission objectives. Regulations shall be established to determine composition and functions.

Section 2.a
Auxiliary Administration

Article 88
Harbour-master's office
Functions

1. Every port registering a significant level of navigation or in which traffic or safety conditions so warrant shall have a harbour-master's office. Regulations shall be established to determine the necessary minimum requirements and the procedure for establishing such auxiliary bodies.

In ports under the jurisdiction of the Autonomous Communities, the harbour administration and the harbour-master's office shall coordinate their activities in order to achieve their respective objectives.

2. In ports which have no navigation and ports councils, navigation councils may be established under the chairmanship of the harbour-master. These bodies shall offer assistance, information and collaboration in maritime affairs and regulations shall be established to determine their composition and functions.

3. The harbour-master's functions shall include the following:

(a) Authorizing or denying entry and exit to ships in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, and the dispatching of ships, without prejudice to such prior authorizations as may be required by other authorities;

(b) Identifying, for reasons of maritime safety, anchorage and manoeuvring areas in waters located in zones over which Spain exercises sovereignty, sovereign rights or jurisdiction; authorizations for anchorage and the assigning of berths in port service areas shall be the responsibility of the competent harbour administration;

(c) Helping to determine the condition of port entry and exit channels on the basis of maritime safety reports;

(d) Establishing, for reasons of maritime safety, criteria for the manoeuvres, including berthing, engaged in by ships carrying dangerous cargoes or in exceptional situations;

(e) Providing, for reasons of maritime safety, pilotage and towage services in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction;

(f) Supervision of technical inspections of Spanish civilian ships, ships under construction in Spain and foreign ships, where authorized by international agreements, and of the cargoes on board, particularly those internationally classified as hazardous, as well as of the means of stowing and breaking bulk from the standpoint of maritime safety;

(g) In general, all functions relating to navigation, maritime safety, rescue at sea and marine pollution control in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

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TITLE IV

Regime of police

Chapter I
State port and police regulations

Article 106
Service and police regulations

1. The port authorities, with a report from the harbour-master's office, shall formulate port service and police regulations to govern the functioning of the various services and operations. The regulations shall be sent to State ports for forwarding, along with the appropriate report, to the Ministry of Public Works and Transportation for approval.

2. Once regulations referred to in the preceding paragraph have been approved, they shall be published in the Official State Gazette.

Chapter II
Measures to safeguard port activities and navigation

Article 107
Sinking of ships

1. If a ship is in danger of sinking in a port and the shipping interest or consignee fails to leave the port or repair the vessel after being requested to do so, the port authority may, on the basis of a report from the harbour-master's office, move the vessel or scuttle it, at the expense of the shipping interest or consignee, so that it does not obstruct port activities, navigation or fishing. In the case of fishing activities, a report shall be requested from the fisheries administration, which shall be assumed to be favourable if it is not issued within a period of 15 days or within a period fixed by the port authorities if there is an imminent risk of the ship's sinking.

2. In the event that a ship sinks in the waters of a port, the port authority shall indicate to the owners, the shipping interest, representatives thereof or to the insurance companies where the wreckage or the ship, once it has been refloated, should be placed within the prescribed period, and shall also indicate the safeguards or safety measures to be taken to prevent it from sinking again.

If the orders or agreements of the port authority are disregarded, the port authority may use the means of forcible execution provided for by law in order to salvage the sunken ship; the shipowner or shipping interest shall in all cases be obliged to defray the costs incurred.

If the shipowner or shipping interest does not reimburse the amounts expended on salvage within the prescribed period, the port authority my alienate the wreckage and deduct from the proceeds the costs incurred. If that sum is not sufficient, the remainder shall be secured by court order.

3. If a ship is at risk of sinking or sinks outside the port in an area over which Spain exercises sovereignty, sovereign rights or jurisdiction, the harbour-master shall be competent to take the action referred to in this article.

Article 108
Break-up operations

When the breaking up of ships, maritime installations and non-functioning equipment is carried out in port waters, a report from the harbour-master shall first be required to ensure compliance with maritime safety standards.

Article 109
Protection of freedom of navigation

In the event that one or more ships impede or obstruct free access to a port, canal or navigable waterway, or free transit through them, or a vessel sets out to sea after grossly disregarding the clearance regulations or disobeys the orders of the competent harbour-masters' offices, the latter may immediately take all necessary measures for as long as they deem necessary, in accordance with the law, to redress the violation or restore freedom of navigation.

To this end, the harbour-master shall give appropriate orders to the captain of the vessel or to his deputy. These orders must be complied with by the person concerned and by all persons on board the ship, without prejudice to any action that may be taken under the law by those who consider themselves to have been injured.

If necessary, the harbour-master may order that the ship be detained, anchored and restrained in a specified location for as long as necessary until normal conditions have been restored.

Article 110
Danger on board

Ships' captains or their deputies may, on an emergency basis, take whatever police measures they deem necessary to ensure good order on board in the event of danger.

Article 111
Prevention of illicit activities and trafficking

In order to prevent the conduct of illicit activities or trafficking of any kind, the Government may stop, restrict or place conditions on the navigation of certain categories of civilian ships in internal waters, the territorial sea or the contiguous zone.

Article 112
Measures to protect maritime navigation and the marine environment

In order to protect the safety of navigation and prevent pollution of the marine environment in waters over which Spain exercises sovereignty, sovereign rights or jurisdiction, the Ministry of Public Works and Transport, through the port authorities and the harbour-masters' offices, may visit, inspect, search, seize, initiate legal proceedings and, in general, take any steps deemed necessary in respect of ships which infringe or may infringe those legal rights.

Such measures may be adopted without prejudice to any measures adopted for this purpose, by other bodies or public authorities having jurisdiction over conservation of the marine environment.

Chapter III
Offences

Article 113
Definition and classification

1. The actions and omissions described in and punishable under this Act shall constitute administrative infractions in the sphere of merchant shipping and matters relating to State ports.

2. Offences shall be classified as minor, serious and major, in accordance with the criteria set out in the following articles.

Article 114
Minor offences

Minor offences are actions and omissions which are not considered serious or major by virtue of their scope or the magnitude of the damage caused and fall into one of the following categories:

1. Offences relating to the use of ports and port facilities.

   (a) Failure to comply with the provisions of the port service and police regulations;

   (b) Failure to comply with ordinances or instructions issued by the port authority with regard to maritime operations in the port area;

   (c) Conducting maritime operations in the port area in a manner that endangers structures, installations, port facilities and other vessels, or without taking the necessary precautions;

   (d) Failure to comply with ordinances or instructions issued by the port authority in respect of stevedoring operations, loading and unloading, storage, delivery and receipt and any other operations related to cargo;

   (e) Unauthorized or inappropriate utilization, or utilization without adequate safety precautions, of port facilities belonging either to the port authority or to individuals;

   (f) Failure to comply with ordinances or instructions issued by the port authority in the exercise of its competence for the regulation of traffic and land or maritime vehicles;

   (g) The provision of incorrect information to the port authority on the movement of vessels, cargoes, passengers and land vehicles, especially those data on the basis of which port charges are calculated.

   (h) Negligent or wilful damage to structures, installations, equipment, cargoes, containers and maritime or land vehicles situated in the port area;

   (i) Failure to comply with regulations or instructions issued by the competent bodies with regard to maritime safety or pollution;

   (j) Any other act or omission which causes damage or injury to public property in the port, or to its use or operation.

2. Offences relating to activities that are subject to prior authorization or licensing or carried out under contract.

(a) Failure to comply with the conditions of the relevant administrative sections of the terms of contracts for the indirect provision of port services or of the lists of general conditions governing them, without prejudice to their expiry or revocation;

(b) Unauthorized advertising on external surfaces in the port area;

(c) The provision of incorrect or inadequate information to the port authority, voluntarily or upon request;

(d) Partial or total failure to comply with other obligations set out in this Act and in the provisions that amplify and implement it, and failure to perform any acts that may be required under them;

(e) Failure to comply with port service and police regulations, the General Pilotage Regulations and other regulations governing port activities.

3. Offences affecting maritime safety.

(a) The actions of persons on board who, while inebriated or under the influence of psychotropic substances or toxic or narcotic drugs, endanger the safety of the vessel;

(b) Acts which are contrary to the regulatory provisions or orders issued by the captain or ship's officers and may adversely affect the safety of navigation.

4. Offences affecting the control of maritime traffic.

(a) Failure by the captain or designated person to present the necessary documentation;

(b) Failure to comply with the merchant shipping regulations pertaining to the loading or unloading of cargo or the taking on or discharging of passengers;

(c) The use, within the port, of sound signals which are not permitted under the relevant regulations;

(d) Navigation by any type of ship, craft or device designed for transportation, fishing or pleasure in the belt of sea contiguous with the coast having a width of 200 metres along beaches and 50 metres along the rest of the coast, undertaken in excess of the speed limit set in the relevant regulations;

(e) Navigation, except in cases of force majeure, by any type of ship, craft or device used for sports, undertaken outside the buoyed coastal access channels or in the buoyed zones duly marked as reserved for bathing;

(f) Failure to provide, voluntarily or upon request, information required by the maritime authority, or the improper or inadequate provision of such information.

5. Offences relating to pollution of the marine environment.

(a) Failure to comply with the provisions of the police regulations for ports or other waters on the maintenance of water purity or common use of the maritime environment, or disregard of the prohibitions contained therein;

(b) Carrying out any repairs, graving or dredging that may cause pollution in violation of the applicable rules.

Article 115
Serious offences

The actions or omissions set out in the preceding article shall be considered to be serious offences when they cause injury to a person resulting in absence from work, on grounds of disability, for up to seven days, or damage or losses of more than 200,000 pesetas and less than 1 million pesetas, when they endanger the safety of the vessel or of navigation, when any of the offences classified as minor are repeated before they are time-barred, and in all cases the following:

1. Offences relating to the use of ports and port facilities.

(a) Offences which involve or entail, directly or indirectly, serious risk to individuals;

(b) The unauthorized dumping from vessels or floating devices of solid, liquid or gaseous substances in zone II, outside the port waters;

(c) Failure to comply with the rules established for stevedoring operations in the pertinent legislation;

(d) Failure to comply with the rules, ordinances or instructions relating to the handling and storage on land of dangerous goods or the concealment of such goods or of their condition;

(e) The offer or delivery of money or other types of gifts or presents to personnel of the port or maritime authority or to personnel of State stevedoring companies in order to secure favourable consideration for the person giving the bribe, and also the solicitation, requirement or acceptance by personnel of such bodies or companies of presents, tokens, gifts or money;

(f) Obstruction of the exercise by the port or maritime authority of their police functions;

(g) Falsification of information provided, voluntarily or upon request, to the port authority;

(h) Failure by the captain to request the pilotage or towage services required under the provisions in force.

2. Offences affecting maritime safety.

(a) Disputes and conflicts between persons on board when they affect the safety of the vessel or of navigation;

(b) Acts contrary to the regulations or orders issued by the captain or officers which may seriously affect the safety of the vessel or of navigation;

(c) The carrying of weapons or dangerous devices or substances without the prior authorization of the ship's captain;

(d) Actions or omissions by any member of the ship's crew while inebriated or under the influence of psychotropic substances or of toxic or narcotic drugs which may interfere with his ability to perform his duties;

(e) Refusal by the captain to keep a stowaway on board pending delivery to the competent authorities or those designated by them;

(f) Unjustified refusal by the captain, or by the person replacing him, in the event of a collision, to provide information about the name and port of registration of the ship under his command, the port of origin and the destination;

(g) The clandestine boarding of a Spanish ship;

(h) Cases in which captains exceed the limits of the powers vested in them by their professional or recreational certification masters or other seagoing personnel;

(i) Except where justified, failure by the parties concerned to inform the nearest harbour-master's office that the state of distress of a ship or fixed platform which gave rise to their request for help has ceased to exist;

(j) Ignorance on the part of the crew members of a Spanish civilian ship of their official duties and functions in emergencies, as approved by the Administration in accordance with the applicable regulations, or failure to fulfil those duties and functions;

(k) Failure on the part of shipping interests, captains and masters to comply with the rules governing inspections and certificates of the ship and its components;

(l) Navigation, except in cases of force majeure, by any type of ship, craft or device designed for transportation, fishing or pleasure outside the buoyed coastal access channels or in bathing areas, when such navigation causes injury to the users of those areas;

(m) Actions or omissions not included in the preceding paragraphs which threaten the safety of the ship or of navigation.

3. Offences affecting the control of maritime traffic.

(a) Failure to comply with the rules in force on governing the use of the national flag or passwords on ships;

(b) Navigation of a ship without displaying its name or carrying the required register;

(c) Deficiencies, deterioration or serious inaccuracies in the required documentation of the ship;

(d) Carrying out port trade, foreign trade or trade between Autonomous Communities without the requisite authorization in ports, coastal locations or anchorage points in the internal waters or the territorial sea;

(e) Failure to carry out the instructions issued by harbour-masters' offices within their spheres of competence with regard to the manoeuvring and navigation of ships in ports, roadsteads and other maritime waters outside ports;

(f) Failure to comply with the regulations or instructions issued by harbour-masters' offices with regard to the regime and traffic of ships, including pleasure boats and craft used for any purpose, and the use of any device which may pose a risk to navigation or persons;

(g) Failure to comply with the rules governing the clearance of ships and other craft or the enlistment of crews and the roster system for harbour-masters' and consular offices;

(h) Engaging in work at sea in violation of the rules governing maritime employment, and failure to possess a certificate or any other document or item required by regulation in order to engage in such work;

(i) Violation of the rules governing the registration of ships, boats or fixed platforms in the corresponding lists of the Register of Ships and Shipping Companies and the use of ships or shipping companies in traffic or activities prohibited under the terms of such registration;

(j) Violation of the rules governing the use of radio stations and services by ships;

(k) Failure to comply with the obligation to register companies in the Registry of Ships and Shipping Companies or to report therein any documents, contracts or agreements requiring registration or notation;

(l) Building a ship, making alterations to it or changing its motor without the requisite State administrative authorization or in violation of the rules regulating such activities, and launching a ship without the appropriate permit;

(m) Violation of the regulations governing the break-up of ships and the destruction or abandonment of fixed platforms in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction;

(n) Failure to comply with the terms of concessions or authorizations for the provision of maritime services;

(o) Failure to comply with the duty to provide the information which must be supplied to the maritime authorities in accordance with the relevant regulations, or doing so in an improper manner.

4. Offences relating to pollution of the marine environment from ships or fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

(a) Negligent discharge into waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction of waste or other substances from ships, fixed platforms or other structures in the sea when such discharge violates the relevant legislation in force;

(b) Failure to comply with the special rules governing navigation, cargo handling and compulsory insurance in respect of ships that transport oil and other pollutants;

(c) Failure to comply with the provisions in force with regard to facilities, installations and documents on board for the prevention and control of operations for the disposal of waste and other substances;

(d) Failure to inform the nearest harbour-master's office or the Department of the Merchant Navy immediately, in the cases and in the manner provided for in the relevant legislation, of the discharge or disposal of pollutants from vessels or from fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction;

(e) Negligent introduction into the marine environment, directly or indirectly, of substances, materials or energy sources that may be harmful to human health, adversely affect tourist, scenic or biological resources and marine life, limit recreational opportunities or obstruct other legal uses of the seas, when such disposal contravenes the legislation in force or is not duly authorized.

Article 116
Major offences

The actions or omissions set out in articles 114 and 115 above shall be considered to be major offences when they cause injury to a person that results in absence from work, on grounds of disability, for more than seven days, or damages or losses of more than 1 million pesetas, when they severely threaten the safety of the ship or of navigation, when any of the offences classified as serious are repeated before they are time-barred, and in all cases the following:

1. Offences relating to the use of ports and to the exercise of port activities.

   (a) Offences which may pose a major risk to human health and safety;

   (b) Unauthorized dumping from vessels or floating devices of solid, liquid or gaseous substances in zone I, within port waters;

   (c) The construction, without the proper administrative document required under this Act, of any works or facilities within the port area, or increasing occupied surface area or structural volume or height beyond authorized limits, in disregard of the port authority's express order that the offending conduct be halted, or the persistence of such conduct after notice of the institution of penal proceedings has been served.

2. Offences affecting maritime safety.

   (a) Ordering or engaging in navigation when the ship fails to meet the necessary standards of seaworthiness, thereby jeopardizing its safety;

   (b) Making substantial alterations in the design of life-saving equipment which renders it inconsistent with official authorized models;

   (c) Failure to comply with the rules or instructions issued by the maritime authorities with regard to the storage, handling, loading, stowage and breaking bulk, transport or maintenance on board of explosive or dangerous materials;

(d) The unwarranted use of distress signals and the unauthorized display of distinguishing marks that would identify the vessel as a hospital ship or invest it with any other characteristic that contravenes the provisions of international law;

(e) Hiring as captain, master or watch officer any person not in possession of the proper certification legally qualifying him for such positions or allowing any such person to perform those functions, or the performance of such functions without the aforementioned certification, except in the case of pleasure boats;

(f) Ignorance on the part of the crew members of Spanish passenger ships of their official duties and functions in emergencies, as approved by the Administration in accordance with the applicable rules, or failure to fulfil those duties and functions;

(g) Failure to comply with Administration rules or resolutions concerning the minimum safe crew size referred to in article 77 of this Act;

(h) Failure to comply with the provisions of maritime safety regulations which result in accidents involving injury to persons;

(i) Failure to comply with rules or resolutions of the maritime authorities concerning the construction of, or the exercise of activities on, fixed platforms in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, where maritime safety is threatened;

(j) Acts or omissions by the captain, master or pilot on duty while inebriated or under the influence of psychotropic substances or toxic or narcotic drugs which results in the impairment of his capacity to discharge his duties;

(k) Acts or omissions by the captain or members of the crew involving failure or refusal to provide assistance to persons or ships where such assistance is sought or presumed necessary;

(l) Acts or omissions not included in the preceding subparagraphs which gravely imperil the safety of the ship or navigation thereof.

3. Offences affecting the control of maritime traffic.

(a) Navigating without regulation signalling systems that allow for continuous indication of position and viewing of a ship;

(b) Navigating without having obtained a certificate of registry, sea letter or document certifying the nationality of the ship or craft, or after the certificate required by regulation has expired;

(c) Navigating when the ship is not duly registered;

(d) Failure to comply with the rules that reserve specific traffic or activities for ships flying the Spanish flag, in accordance with the provisions of this Act;

(e) Failure to comply with rules governing the Register of Ships and Shipping Companies and the export, import or provisional flagging of Spanish ships by foreigners or of foreign ships in Spain;

(f) Failure to comply with the orders, prohibitions and conditions referred to in articles 109, 110, 111 and 112 of this Act;

(g) The provision of marine navigation services without the corresponding administrative concession or authorization where such is required under the provisions of this Act;

(h) Falsification of information that should be furnished to the maritime authorities in accordance with the regulations in force;

(i) Failure to perform public-service obligations required of shipping companies operating regular or non-regular services in internal, coastal, external or extra-national waters;

(j) Failure to fulfil obligations set out in regulations designed to implement the provisions of this Act and relating to the coordination of State ports and the merchant navy with the needs of national defence and public security.

4. Offences relating to pollution of the marine environment from ships or fixed platforms or other installations located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

(a) Deliberate discharge from vessels, fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, of debris, waste or other materials carried on board or stored there for the purpose of dumping, except when dumping has been duly authorized or when such authorization is not required under the provisions of the relevant legislation in force;

(b) Deliberate pollution of the marine environment by the sinking of vessels or the destruction of fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, subject to the exceptions set out in the preceding paragraph;

(c) Deliberate discharge of waste or other materials produced directly or indirectly by the normal operations of ships, fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, when such discharges contravene the relevant legislation in force;

(d) Deliberate introduction into the marine environment, directly or indirectly, of substances, materials or energy sources that may be harmful to human health, adversely affect tourist, scenic or biological resources and marine life, limit recreational opportunities or obstruct other legal uses of the seas, when such disposal contravenes the legislation in force or is not duly authorized.

Article 117
Limitation of actions

1. Major offences shall be time-barred after five years, serious offences after three years and minor offences after one year.

The limitation period shall be measured from the time the offence is committed.

2. In the case of recurrent offences, the limitation period shall be measured from the time the activity is concluded or the time of the last act by virtue of which the offence becomes complete.

If the events or activities that constitute the offence are not detected because they produce no external signs, the limitation period shall be measured from the time such signs are observed.

3. However, irrespective of the time elapsed since the commission of the offence, all objects shall be returned and restored to their former condition.

4. Construction work or installations shall be considered to have been completed when they can be used for their intended purpose without any further action. To this end, the date of completion shall be confirmed by the port authority or, alternatively, shall be considered to be the date of licence, permit or operating clearances or a certificate of completion of work signed by a qualified expert.

Article 118
Liability

The following individuals and legal entities shall be held liable for:

1. Offences relating to the improper use of ports.

   (a) In the event of a breach of the terms of a contract or administrative post, the holder of the contract or post;

   (b) In the case of other offences relating to a ship, the shipping interest and, jointly and severally, the shipping agent or, in the absence of the agent, the ship's captain, without prejudice to any liability that may be incurred by the holder of a pilotage contract holder and by the pilot in the performance of his duties under the applicable regulations;

   (c) In the case of offences relating to the handling of goods, the personnel handling such goods and the stevedoring company responsible for such operations shall be liable, jointly and severally, alternatively, with secondary liability borne by the freight agent;

   (d) In the case provided for in article 114.1 (g), the entities required to provide such information;

   (e) In the case of the actions or omissions referred to in article 114.1 (h) and (j), the perpetrator or the person responsible for the action or omission and, if applicable, the firm providing the service and which employed the perpetrator at the time such losses occurred shall be jointly and severally liable;

   (f) In the case provided for under article 115.1 (d), the entities responsible for the transport of dangerous goods and, alternatively, those required to provide information in accordance with applicable regulations;

   (g) In the case provided for in article 115.1 (e), the persons offering or delivering money or gifts and the workers soliciting or receiving such money or gifts;

   (h) In the case of the construction of works without due administrative authorization, the promoter of the activity, the contractor carrying out the construction and the chief engineer.

2. Offences relating to civilian ships.

(a) In case of offences committed in the navigation of non-merchant civilian ships, or as a result of the installation of fixed platforms or other construction works situated outside the port service area, the individual or legal entity that owns the business involving the ship, platform or construction work or, in the case of ships used exclusively as pleasure craft, the individual or legal entity that owns the vessel or is directly liable for the offence. In such cases, secondary liability shall be borne by the ship's captain or master;

(b) In the case of offences committed in the navigation of merchant ships, the shipping company engaging in the activity or, failing that, the ship's captain;

(c) In the case of offences committed by users and, in general, by third parties who, while not covered by the preceding subparagraphs, nevertheless engage in activities that are governed by the legislation regulating the merchant navy, the individual or legal entity to whom the rule violated applies or who is specifically held liable under the applicable rules;

(d) In the case of pollution of the marine environment from ships, the shipping interest, shipowner, civil liability underwriter and the ship's captain shall be jointly and severally liable. Should the offence be committed from fixed platforms or other facilities in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, the owner of the fixed platforms or facilities, the party engaging in the activity, where appropriate, and the underwriter of the activity shall be jointly and severally liable. Similarly, the aforementioned individuals shall be held jointly and severally liable for reparation of the damage caused and the competent administration may perform or cause to be performed, at their expense, any urgent operations required to protect the environment.

3. The provisions concerning offences and sanctions in the area of civilian ships shall not apply to non-nationals on board foreign ships, even when such ships are in areas under Spanish jurisdiction, provided that the act affects only the order on board ship and involves only foreign nationals.

In such cases, the Spanish authorities shall extend to the captains and consuls of the flag State only such assistance as they request, in accordance with international law.

4. The sanctions imposed on several individuals as a result of a single offence shall bear no relation to each other unless otherwise provided in this Act.

Chapter IV
Penalties and other measures

Section 1
General provisions

Article 119
General principles

1. Acts or omissions constituting offences shall be subject to penalties in accordance with the provisions of this Act.

2. If a single act or omission gives rise to two or more offences, only the offence which entails the greater penalty shall be considered. Nevertheless, holders of concessions granted in accordance with this

Act may in all cases be penalized for offences established thereunder, independently of any other liability they may incur.

3. When an offence may constitute either a crime or a misdemeanour, it shall be referred to the public prosecutor, and penalty proceedings shall be suspended until the judicial authorities render a final judgement or a decision which brings the proceedings to an end.

Criminal penalties shall preclude the imposition of administrative penalties. If no crime or misdemeanour is found to exist, the Administration shall continue the penal proceedings, taking into account, as appropriate, the facts established in the decision of the competent judicial body.

In all cases, administrative measures taken in order to safeguard port activities, maritime safety and maritime traffic control and to protect the marine environment from pollution shall be carried out immediately. The suspension of penal proceedings shall not extend to the execution of measures to restore the legal order.

4. Likewise, procedures shall be initiated for the suspension of the effects and cancellation or nullification of administrative acts or contracts under which the unlawful act could presumably be shielded from punishment.

5. [In cases in which this Act provides for liability, imposition of administrative penalties on an employee when he had already been punished by the employer as a consequence of the same acts.][2]

Section 2
Applicable penalties

Article 120
Fines and additional penalties

1. Minor offences shall be punishable by a fine of up to 10 million pesetas.

2. The penalties for serious offences shall be as follows:

(a) For offences involving the use of ports and the exercise of port activities: in the cases provided for in article 115.1 (b), (c), (e), (f), (g), and (h), a fine of up to 20 million pesetas; in the cases provided for in article 115.1 (a) and (d), a fine of up to 50 million pesetas;

(b) For offences affecting maritime safety: a fine of up to 30 million pesetas;

(c) For offences affecting the control of maritime traffic: a fine of up to 20 million pesetas.

(d) For offences involving pollution of the marine environment: a fine of up to 100 million pesetas.

2/ The original Spanish text of article 119, paragraph 5, is defective. The paragraph has been translated literally and placed within square brackets.

3. The penalties for major offences shall be as follows:

(a) For offences involving the use of ports and the exercise of port activities: in the cases provided for in article 116.1 (c), a fine of 50 per cent of the value of the works or facilities. In all other cases, a fine of up to 100 million pesetas;

(b) For offences affecting the control of maritime traffic: a fine of up to 150 million pesetas;

(c) For offences affecting maritime traffic: a fine of up to 50 million pesetas;

(d) For offences involving pollution of the marine environment: a fine of up to 500 million pesetas.

4. In the event that a serious or major offence is committed by the repetition of a minor or serious offence, respectively, prior to the expiry of the statute of limitations, the fine shall be reckoned to be the sum of the fines set for each offence.

5. A portion of the fine set in accordance with the provisions of the preceding paragraphs may be forgiven by means of an agreement with the competent body imposing the fine, provided that the offender has taken action to correct the situation created through the commission of the offence in the manner and within the time limit prescribed by the relevant regulations.

6. In the case of major offences, a ship may be impounded or its entry, loading and unloading prohibited as a penalty supplementary to those imposed in each case.

7. In the cases provided for in article 116.2 (b), the fine shall entail the revocation of official approval of the model.

8. In the case of major offences involving the use of ports and port facilities which are committed while engaging in the activities referred to in article 54 of this Act, the Ministry of Public Works and Transport may, at the request of the State port authority, temporarily bar offenders for a period not exceeding three to five years from holding authorizations and concessions, respectively, in the relevant port area or from engaging in port activities.

9. In the case of authorizations for activities covered under article 59.1 of this Act which are carried out in the port service area, offences relating to the use of this area or activities conducted therein may also entail the temporary suspension of the activity, in accordance with the following criteria:

- Minor offences: suspension not exceeding one month;

- Serious offences: suspension not exceeding six months;

- Major offences: suspension and temporary disqualification from engaging in any activity whatsoever in the area in question for a period not exceeding five years.

10. In the case of serious or major offences affecting maritime safety which are committed by the ship's captain or master, the pilot on duty or other crew members, the Director-General of the Merchant Navy, in the case of serious offences, or the Ministry of Public Works and Transport on the recommendation of the Department of the Merchant Navy, in the case of major offences, may suspend their professional licences as follows:

(a) Serious offences: suspension not exceeding one year;

(b) Major offences: suspension from one to five years.

11. Once they have been set, the penalties imposed for serious or major offences shall be made public in the manner established in the relevant regulations.

12. The statute of limitations applicable to penalties shall be five years for penalties corresponding to major offences, three years for serious offences and one year for minor offences.

Article 121
Non-penalty measures

In addition to the imposition of the preceding penalties, acts or omissions constituting offences shall give rise to the following measures:

(a) Restitution of items or restoration thereof to their former condition;

(b) Compensation for irreparable damage in an amount equal to the value of the items destroyed or of the damage or loss caused, within the prescribed time period.

When the profit derived by the offender from the acts or omissions constituting the offence exceeds the amount of compensation, the amount of the profit shall be taken as the minimum in fixing compensation;

(c) Invalidation of administrative certification when the offence is the result of a failure to comply with the conditions of such certification;

(d) The denial of a ship's stopover, exit, loading or unloading rights where the relevant laws and regulations so provide.

Article 122
Criteria for ranking of penalties

1. The amounts of fines and the application of additional penalties shall be determined having regard to the profit obtained through the commission of the offence, the importance of the unlawful conduct, the negligence or intent of the offender, the damage caused, the number of offences committed and any other aggravating or extenuating circumstances which might have a bearing on the degree of fault.

2. In so far as possible, and making allowances and adaptations as required by the specific nature of the administrative sector concerned, the criminal rules governing preclusion of wrongfulness and guilt shall be applied in an analogous manner, without prejudice to the consideration, for the same purpose, of other relevant circumstances in the aforementioned sector.

Article 123
Competence

1. Competence to impose the penalties contained in this Act shall be accorded to:

(a) The board of directors of the port authority, in cases of minor offences involving the use of ports and the exercise of port activities;

(b) Harbour-masters, in cases of minor offences affecting maritime safety and the control of marine traffic or offences involving pollution of the marine environment from ships, fixed platforms or other installations in waters located in zones over which Spain exercises sovereignty, sovereign rights or jurisdiction;

(c) The board of directors of the port authority and the Director-General of the Merchant Navy, within their areas of competence, in cases of serious offences as described in this Act;

(d) The Minister of Public Works and Transport, on the recommendation of State ports or of the Director-General of the Merchant Navy in their area of competence, in cases of major offences involving amounts under 200 million pesetas;

(e) The Council of Ministers, on the recommendation of the Minister of Public Works and Transport, in cases of major offences involving amounts greater than those mentioned in the preceding subparagraph.

2. These limits, as well as the amount of fines, may be updated or amended by the Government in accordance with movements in the consumer price index.

3. The amount of fines and compensation for offences involving the use of ports and the exercise of port activities shall be considered to be revenue belonging to the port authority in whose area the offence was committed.

Section 3
Compensation for damage and loss

Article 124
Compensation for damage and loss

1. When restitution and restoration to prior condition is impossible, and in all cases where damage and loss have occurred, the perpetrators of the offence shall pay any compensation deriving therefrom.

2. When the amount of profit exceeds the amount of compensation, the former shall be taken as the minimum in fixing the latter.

3. When damages are difficult to evaluate, the port or maritime authority shall, in fixing the amount of compensation, take into account the following criteria, applying whichever shall result in the highest amount:

(a) The national cost of restitution and restoration;

(b) The value of the damaged goods;

(c) The profit obtained by the offender through his wrongful act.

Chapter V
Procedures, methods of execution and precautionary measures

Article 125
Procedures

1. The staff and officials of the maritime or port authority shall be required to bring charges against offenders, institute proceedings when charges are brought and resolve matters within their area of competence through the imposition of the relevant penalties.

2. Where so indicated, staff with inspection and monitoring duties shall be granted access to areas and installations under concession or authorization located in the service area of the port or to ships and platforms flying the Spanish flag, or, within the limits established by the international conventions to which Spain is signatory, those flying foreign flags in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, for the purpose of carrying out tests and related activities, unless they are legally considered to constitute a domicile in which case the inspection shall comply with the rules guaranteeing inviolability.

3. Notwithstanding the foregoing, in the case of offences involving the use of ports and the exercise of port activities, the initiation of penalty procedures and measures to restore the legal order shall conform to the provisions of the Law on Costs, except that the competent body shall be the port authority. In all cases, the port authority shall undertake restoration measures.

Offences covered under this Act shall be subject to penalties after the appropriate administrative proceedings have been conducted in the form established by the Administrative Procedures Act.

Article 126
Methods for ensuring collection

1. The amounts of fines and compensation for damage or loss caused may be exacted by means of a court order.

2. Likewise, in order to guarantee the collection of fines and compensation and the restoration of the legal order, the maritime and port authorities may use the means of forcible execution provided for in the Administrative Procedures Act and in the Law on Costs.

Article 127
Obligation to document incidents

Ships' captains shall be obligated to note in the navigational log or in the list of clearances any incidents involving persons on board during a voyage which, in their judgement, might constitute an offence as provided for in this Act. The entry shall be signed by the captain and by the individual concerned or, if he refuses, by two witnesses.

Article 128
Impounding of vessels

The harbour-master may order the impounding of a vessel as a precautionary measure, in order to ensure compliance with the requirements of article 118.2 (d) of this Act.

A promissory note or a guarantee which the Department of the Merchant Navy deems adequate may be substituted.

First supplementary provision
Service area

If the delimitation provided for in article 15.1 has not yet been carried out, the service area of ports under State jurisdiction shall be considered to be the entire land area included in the existing service area upon the entry into force of this Act and the water surfaces included in zones I and II delimited by each port for tariff purposes, in accordance with the rules in force.

Second supplementary provision
Contiguous zone

In the contiguous zone defined in article 7.1 of this Act, the Government may take the necessary control measures to:

(a) Prevent violations of customs, smuggling, taxation, immigration and health laws and regulations in national territory and territorial waters;

(b) Punish such violations.

...

6. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) Pitcairn, Henderson, Ducie and Oeno Islands

Proclamation No. 1 of 1992

In the Name of Her Majesty Elizabeth II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith,

By His Excellency David Joseph Moss Esquire, Companion of the Order of Saint Michael and Saint George, Governor of Pitcairn, Henderson, Ducie and Oeno Islands,

Whereas there is a need to establish and to regulate activity in an exclusive economic zone around Pitcairn, Henderson, Ducie and Oeno Islands, in accordance with the rules of international law,

Now Therefore I, David Joseph Moss, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do **Hereby Proclaim** as follows:

1. (1) There is established for Pitcairn, Henderson, Ducie and Oeno Islands an exclusive economic zone (hereinafter referred to as "the zone") beyond and adjacent to the territorial seas around those Islands;

(2) The zone has as its outer limits the lines defined in the schedule to this Proclamation.

2. Any rights exercisable over the waters of the zone, its seabed and subsoil and their natural resources are hereby vested in Her Majesty.

3. In regard to the zone, Her Majesty will exercise the same jurisdiction over the exploration and exploitation of the natural resources, the protection and preservation of the marine environment, marine scientific research and other economic exploitation as She has in respect of those matters in the territorial seas of Pitcairn, Henderson, Ducie and Oeno Islands, subject to such provision as is in force or may hereafter be made by law for such matters within the territorial sea and the zone.

4. This Proclamation becomes effective forthwith.

Given under my hand and the Public Seal of Pitcairn, Henderson, Ducie and Oeno Islands at the British High Commission, Wellington, New Zealand, this ninth day of November in the year of Our Lord One Thousand Nine Hundred and Ninety-two.

SCHEDULE

The zone is bounded by lines of the type described in Column 2 joining the points defined to the nearest second of arc by coordinates of latitude and longitude on WGS 72 Datum specified in Column 1.

	Column 1		Column 2
	Coordinates of latitude and longitude		Line type
1.	26° 34' 05"	133° 25' 29"	1-2 Loxodrome
2.	25° 40' 40"	132° 59' 32"	2-3 Loxodrome
3.	24° 04' 08"	132° 41' 11"	3-4 Loxodrome
4.	22° 22' 55"	132° 23' 23"	4-5 Loxodrome
5.	21° 03' 05"	132° 08' 37"	5-6 Loxodrome
6.	20° 45' 54"	131° 58' 43"	6-7 a line drawn
7.	26° 34' 05"	133° 25' 29"	clockwise 200 nautical miles from the nearest points on the baseline of the territorial sea of Oeno, Henderson, Ducie and Pitcairn Islands

(b) South Georgia and the South Sandwich Islands

Proclamation (Maritime Zone) No. 1 of 1993 [1]

In the Name of Her Majesty Elizabeth II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith,

By David Everard Tatham Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Commissioner for South Georgia and the South Sandwich Islands,

Whereas there is a need to establish and to regulate activity in a maritime zone around South Georgia and the South Sandwich Islands in accordance with the rules of international law,

Now Therefore I, David Everard Tatham, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do **Hereby Proclaim** as follows:

1. There is established for South Georgia and the South Sandwich Islands a maritime zone having as its inner boundaries the outer limits of the territorial sea of South Georgia and the South Sandwich Islands and its seaward boundary a line drawn so that each point on the line is 200 nautical miles from the nearest point on the baselines defined, in the case of South Georgia, in article 3(3) and (4) of and the Schedule to the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989 and, in the case of the South Sandwich Islands, in article 3(1) and (2) of that Order.

2. Any rights exercisable over the waters of the maritime zone and its seabed and subsoil, as well as the natural resources thereof (whether living or non-living), are hereby vested in Her Majesty.

1/ The South Georgia and the South Sandwich Islands Gazette, No. 1 of May 1993.

3. In regard to the maritime zone, Her Majesty will exercise jurisdiction in accordance with the rules of international law over the exploration and exploitation and the conservation and management of the natural resources (whether living or non-living) and over the protection and preservation of the marine environment, subject to such provision as may hereafter be made by law for such matters.

4. This proclamation becomes effective forthwith.

Given under my hand and the Public Seal of South Georgia and the South Sandwich Islands, this seventh day of May in the year of Our Lord One Thousand Nine Hundred and Ninety-three.

7. UNITED STATES OF AMERICA [1]

The Permanent Mission of the United States of America to the United Nations presents its compliments to the United Nations and has the honour to advise that the Government of the United States wishes to provide the United Nations with the attached Notices published in the Federal Register of the United States by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce. The first Notice provides public notice of the relinquishment of a licence by the Kennecott Consortium authorizing deep seabed hard mineral resource exploration in specific areas of the east-central Pacific Ocean. The second Notice provides public notice of an application for a licence for exploration rights in the same area by Ocean Minerals Company. Included in the Federal Register notices are the geographical coordinates of the deep seabed areas within which deep seabed hard mineral exploration has been authorized and the coordinates for a portion of the licence area which is to be reserved as an environmental reference area.

On 21 May 1993, the Kennecott Consortium relinquished deep seabed mining licence USA-4 and Ocean Minerals Company has since applied for the licence to conduct exploration activities in USA-4. These actions have been taken pursuant to the United States Deep Seabed Hard Minerals Resources Act, Public Law 96-283, 30 U.S.C. 1401 et seq. In accordance with Section 102 (8) (2) of that Act, licences issued under the Act are exclusive as against "any other United States citizen or any citizen, national or Government agency of, or any legal entity organized or existing under the laws of, any reciprocating State." Reciprocating States are those States designated as such in accordance with Section 118 of the Act.

The Government of the United States also calls attention to Section 3 (A) of the Act, which states:

"By the enactment of the Act, the United States:

(1) Exercises jurisdiction over United States citizens and vessels, and foreign persons and vessels otherwise subject to its jurisdiction, in the exercise of the high seas freedom to engage in exploration for, and commercial recovery of, hard mineral resources of the deep seabed in accordance with generally accepted principles of international law recognized by the United States; but,

(2) Does not thereby assert sovereignty or exclusive rights or jurisdiction over, or the ownership of, any areas or resources in the deep seabed."

In addition to confirming for the United Nations and, through it, its Member States, the relinquishment of a licence by Kennecott Consortium and the application for the same licensed area by Ocean Minerals Company for exploration of the hard mineral resources of the deep seabed, the Government of the United States takes the opportunity to state that, in view of the international legal obligation of all States to avoid unreasonable interference with the interests of other States in their exercise of the freedoms of the high seas, the Government of the United States stands ready to consult on this subject with any other Government.

The Government of the United States requests that this Note, and the attached Federal Register Notices, be circulated by the United Nations as part of the next Law of the Sea Bulletin.

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[1] Communicated by the United States Mission to the United Nations.

DEPARTMENT OF COMMERCE [2]

National Oceanic a' . ' Atmospheric Administration
Deep Seabed Mining; Surrender of Exploration Licence

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of surrender of Deep Seabed Mining Exploration Licence USA-4 from the Kennecott Consortium.

Summary: Pursuant to Section 115(a) of the Deep Seabed Hard Mineral Resources Act and 15 CFR 971.803(a), which was published at 54 FR 514, 6 January 1989, notice is hereby given that the National Oceanic and Atmospheric Administration (NOAA) received on 21 May 1993 formal notification of surrender of Deep Seabed Exploration Licence USA-4 issued by NOAA on 29 October 1984 to the Kennecott Consortium, c/o Flambeau Mining Company, N4100, Highway 27, Ladysmith, Wisconsin 54848.

For further information contact:
Betty Rosser, Ocean Minerals and Energy Division (N/ORM1), Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Springs, MD 20910, (301) 713-3159.

National Oceanic and Atmospheric Administration
Deep Seabed Mining; Receipt of Application for Exploration Licence

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of application.

Summary: Pursuant to Section 116(a) of the Deep Seabed Hard Mineral Resources Act (DSHMRA) and 15 CFR 970.212(a), which was published at 46 FR 45898, 15 September 1981, as amended at 54 FR 547, 6 January 1989, notice is hereby given that on 17 June 1993 the National Oceanic and Atmospheric Administration (NOAA) received an application from Ocean Minerals Company, P.O. Bosx 2227, Menlo Park, California 94026, to conduct deep seabed mining exploration activities in licence site USA-4, formerly licensed to the Kennecott Consortium (KCON), Ladysmith, Wisconsin. Subject to 15 CFR 971.802, which excludes certain information from public disclosure, interested persons will be permitted to examine the materials relevant to this application and may submit written comments to NOAA.

Dates: Comments on this application should be submitted to NOAA on or before 30 August 1993.
Addresses: Comments should be addressed to: Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Room 11437, Silver Spring, MD 20910.

For further information contact:
Betty Rosser or Karl Jugel, Ocean Minerals and Energy Division, at the above address, (301) 713-3159.

[2/] Federal Register Notices, vol. 58, No. 118, of Tuesday, 22 June 1993.

Coordinates for USA-4

Area Claimed by Minerals Company
June 1993

The area is encompassed by and extends to geodesics drawn between the coordinates numbered in series below:

(1)	North Latitude 14°20'	West Longitude 128°00'
(2)	North Latitude 14°20'	West Longitude 126°15'
(3)	North Latitude 13°45'	West Longitude 126°15'
(4)	North Latitude 13°45'	West Longitude 125°20'
(5)	North Latitude 12°15'	West Longitude 125°20'
(6)	North Latitude 12°15'	West Longitude 127°00'
(7)	North Latitude 11°40'	West Longitude 127°00'
(8)	North Latitude 11°40'	West Longitude 127°43'
(9)	North Latitude 12°00'	West Longitude 127°43'
(10)	North Latitude 12°00'	West Longitude 128°00'
(1)	North Latitude 14°20'	West Longitude 128°00'

The area includes the area defined by the following turning points. This area is reserved as an environmental reference area for future study and preservation (Federal Register 53:224, Monday, 21 November 1988):

(1)	North Latitude 13°30'	West Longitude 128°00'
(2)	North Latitude 13°30'	West Longitude 127°45'
(3)	North Latitude 12°30'	West Longitude 127°45'
(4)	North Latitude 12°30'	West Longitude 128°00'
(1)	North Latitude 13°30'	West Longitude 128°00'

B. STATEMENTS RECEIVED FROM GOVERNMENTS

1. Argentina [1]

Letter dated 7 May 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

[Original: Spanish]

I have the honour to transmit to you herewith the text of the statement issued by the Government of the Argentine Republic on 7 May 1993 concerning the unilateral act whereby the United Kingdom of Great Britain and Northern Ireland seeks to extend its maritime jurisdiction in the waters adjacent to the South Georgia and South Sandwich Islands (see annex).

I should be grateful if you could have this note and its annex circulated as an official document of the General Assembly, under item 46 of the preliminary list, and of the Security Council, and brought to the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

ANNEX

Statement dated 7 May 1993 by the Government of the Argentine Republic

Today, the Government of the United Kingdom adopted a measure extending its alleged jurisdiction in respect of maritime spaces surrounding the South Georgia and South Sandwich Islands.

The Argentine Government strongly rejects this measure, reaffirms the legitimate rights of sovereignty of the Argentine Republic over the South Georgia and South Sandwich Islands and recalls that these territories form part of the dispute concerning sovereignty which the United Nations recognizes and is keeping under consideration.

In this context, an official note of rejection and protest has been delivered to the Embassy of the United Kingdom in Buenos Aires, and the Embassy of the Argentine Republic in London has been instructed to take the same steps vis-à-vis the British Government. In addition, the text of this declaration will be transmitted to the Secretary-General of the United Nations and to the Secretary-General of the Organization of American States with a request that it be circulated as an official document of those organizations.

It should be recalled that more than 20 years have elapsed since the Argentine Republic extended its jurisdiction and sovereignty over the maritime spaces adjacent to Argentine territory, including these islands, in accordance with international law. Act No. 17,094 of 29 December 1966 provided for the extension of these rights to 200 nautical miles and for sovereignty over the continental shelf.

Subsequently, the scope of the jurisdiction and sovereignty of Argentina over these spaces, including the South Georgia and South Sandwich Islands, was specified in Act No. 23,968 on maritime spaces, promulgated on 10 September 1991. The scope of that legislation may be seen from the attached map.

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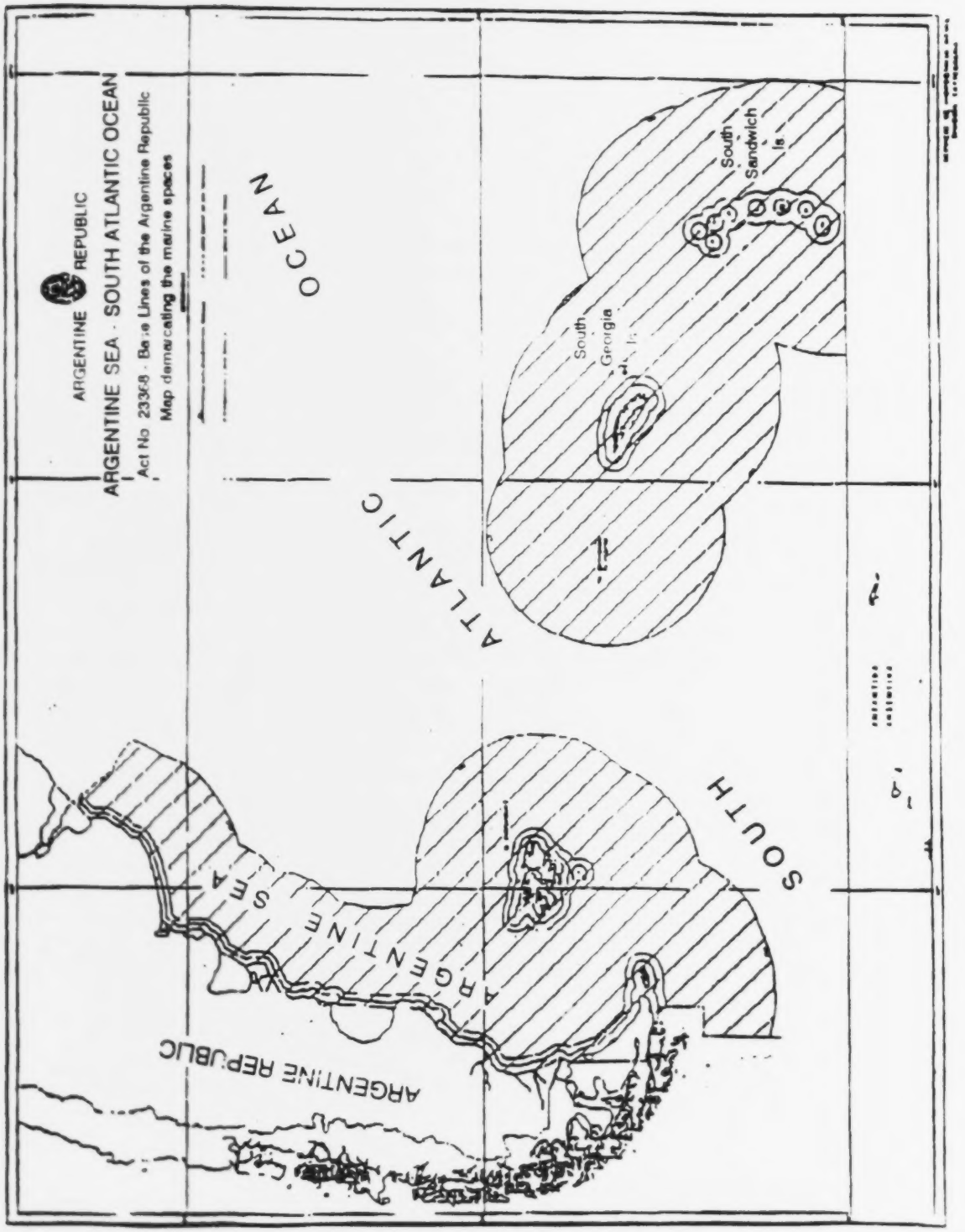
[1] See document A/48/162-S/25742.


ARGENTINE REPUBLIC
ARGENTINE SEA - SOUTH ATLANTIC OCEAN
Act No 23968 - Base Lines of the Argentine Republic
Map demarcating the marine spaces
OCEAN
ATLANTIC
SOUTH
South Sandwich Is.
South Georgia
ARGENTINE SEA
ARGENTINE REPUBLIC

2. United Kingdom of Great Britain and Northern Ireland [1]

Letter dated 12 May 1993 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the texts of two statements issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the extension of the maritime zone around South Georgia and the South Sandwich Islands (see annex I) and the conservation of marine resources in the area in accordance with the Convention on the Conservation of Antarctic Marine Living Resources (see annex II).

I should be grateful if the text of the present letter and its annexes could be circulated as an official document of the General Assembly, under item 36 of the preliminary list, and of the Security Council.

ANNEX I

Text of a statement issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the extension of the maritime zone around South Georgia and the South Sandwich Islands

In recent years, Her Majesty's Government has become increasingly concerned about the conservation of marine resources around South Georgia and the South Sandwich Islands in the South Atlantic, which is a British Dependent Territory. Until 7 May this year, the Crown's sovereignty and jurisdiction around South Georgia and the South Sandwich Islands extended to the 12-mile limit of the territorial sea. For waters beyond this, we had relied solely on the work of the Commission created by the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), a component of the Antarctic Treaty System. This depends on flag State regulation and policing to apply conservation measures decided by consensus amongst the 22 members. We fully support CCAMLR and cooperate in the body's work. We have worked most energetically to strengthen the role of CCAMLR in its regulation of southern ocean fisheries. Although CCAMLR has provided timely and much-needed protection for commercially fished species, we are concerned that nevertheless fish stocks have been depleted.

Moreover, infringements of CCAMLR regulations have grown. The need to reinforce conservation arrangements in the area for which Her Majesty's Government is responsible is clear. Accordingly, Ministers decided to strengthen conservation and management of marine resources around South Georgia and the South Sandwich Islands by the introduction of national measures. These measures are intended to supplement, not replace, the role of CCAMLR and are of course fully compatible with it.

For this reason, the Commissioner for South Georgia and the South Sandwich Islands issued a Proclamation on 7 May 1993 to provide for the exercise of the Crown's sovereign rights to jurisdiction over a maritime zone. This action will reinforce existing measures under CCAMLR.

Since their re-establishment in 1990, our relations with Argentina have progressed to their present excellent state and are now marked by a new openness and growing mutual confidence. This is a source of great satisfaction to Her Majesty's Government, which will continue to work to develop the relationship further. Against this background, it was natural for us to discuss our concerns over conservation fully

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[1] See document A/48/167-S/25773.

with the Argentine Government, with which we have extensive exchanges on South Atlantic matters, particularly in relation to fisheries. We look forward to pursuing this dialogue.

ANNEX II

Text of a further statement issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the conservation of marine resources

The Argentine Republic has today reasserted its purported claims in respect of South Georgia and the South Sandwich Islands and the waters surrounding those Islands. In enacting its Law No. 23968 in November 1991, the Argentine Republic repeated those claims to jurisdiction over the maritime areas concerned over which the United Kingdom has sovereign rights in international law. Her Majesty's Government does not accept such Argentine claims. We have no doubts about our sovereignty over South Georgia and the South Sandwich Islands and our consequent entitlements to maritime jurisdiction in accordance with international law around that territory.

Her Majesty's Government recognizes the strength and importance of the continuing relationship with Argentina, places a high value on the continuing strength of those relations and acknowledges the need to work together for mutual benefit and the achievement of conservation objectives in the South Atlantic. Her Majesty's Government is committed to tight conservation controls in the waters covered by the Convention on the Conservation of Antarctic Marine Living Resources and supports the continuing and effective role of the Commission established by that Convention.

III. OTHER INFORMATION

A. Succession

On 28 May 1993 [1] the instrument of succession to the following treaties was received from the Government of Slovakia:

Convention on Transit Trade of Land-locked States, done at New York on 8 July 1965;

Convention on the Territorial Sea and the Contiguous Zone, done at Geneva on 29 April 1958;

Convention on the High Seas, done at Geneva on 29 April 1958;

Convention on the Continental Shelf, done at Geneva on 29 April 1958;

United Nations Convention on the Law of the Sea, concluded at Montego Bay, Jamaica, on 10 December 1982 (succession to signature);

Convention and Statute on the International Regime of Maritime Ports, Geneva, 9 December 1923;

Convention and Statute on Freedom of Transit, Barcelona, 20 April 1921;

Declaration recognizing the Right to a Flag of States having no Seacoast, Barcelona, 20 April 1921.

1/ **The date of receipt of the relevant documents.**

B. International Court of Justice [1]

Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway)

Judgment of the Court

The following information is communicated to the press by the Registry of the International Court of Justice:

Today, 14 June 1993, the International Court of Justice delivered its Judgment in the above case. In the Judgment the Court, by fourteen votes to one, fixed a delimitation line for both the continental shelf and the fishery zones of Denmark and of Norway in the area between Greenland and Jan Mayen.

The Court was composed as follows: President Sir Robert Jennings; Vice-President Oda; Judges Ago, Schwebel, Bedjaoui, Ni, Evensen, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Ajibola; Judge ad hoc Fischer; Registrar Valencia-Ospina.

The full text of the operative paragraph is as follows:

"94. For these reasons,

THE COURT,

By fourteen votes to one,

Decides that, within the limits defined

1. to the north by the intersection of the line of equidistance between the coasts of Eastern Greenland and the western coasts of Jan Mayen with the 200-mile limit calculated as from the said coasts of Greenland, indicated on sketch-map No. 2 as point A, and

2. to the south, by the 200-mile limit around Iceland, as claimed by Iceland, between the points of intersection of that limit with the two said lines, indicated on sketch-map No. 2 as points B and D,

the delimitation line that divides the continental shelf and fishery zones of the Kingdom of Denmark and the Kingdom of Norway is to be drawn as set out in paragraphs 91 and 92 of the present Judgment.

IN FAV0UR: President Sir Robert Jennings; Vice-President Oda; Judges Ago, Schwebel, Bedjaoui, Ni, Evensen, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Ajibola.

AGAINST: Judge ad hoc Fischer.

Vice-President Oda, Judges Evensen, Aguilar Mawdsley and Ranjeva append declarations to the Judgment of the Court.

1/ International Court of Justice communiqué No. 93/14 of 14 June 1993.

Vice-President Oda, Judges Schwebel, Shahabuddeen, Weeramantry and Ajibola append separate opinions to the Judgment of the Court.

Judge ad hoc Fischer appends a dissenting opinion to the Judgment of the Court.

(A summary of these declarations and opinions is attached.)

The printed text of the Judgment will become available in due course (orders and inquiries should be addressed to the Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10; Sales Section, United Nations, New York, N.Y. 10017; or any appropriately specialized bookshop).

A summary of the Judgment is given below. It has been prepared by the Registry and in no way involves the responsibility of the Court. It cannot be quoted against the text of the Judgment, of which it does not constitute an interpretation.

Summary of the Judgment

Review of the proceedings and summary of facts (paras. 1-21)

The Court outlines the successive stages of the proceedings as from the date the case was brought before it (paras. 1-8) and sets out the submissions of the Parties (paras. 9-10). It recalls that Denmark, instituting proceedings on 16 August 1988, had asked the Court

> "to decide, in accordance with international law, where a single line of delimitation shall be drawn between Denmark's and Norway's fishing zones and continental shelf areas in the waters between Greenland and Jan Mayen";

and had, in the course of the proceedings, made the following submissions:

> "To adjudge and declare that Greenland is entitled to a full 200-mile fishery zone and continental shelf area vis-à-vis the island of Jan Mayen; and consequently
>
> "To draw a single line of delimitation of the fishing zone and continental shelf area of Greenland in the waters between Greenland and Jan Mayen at a distance of 200 nautical miles measured from Greenland's baseline."
>
> "If the Court, for any reason, does not find it possible to draw the line of delimitation requested in paragraph (2), Denmark requests the Court to decide, in accordance with international law and in the light of the facts and arguments developed by the Parties, where the line of delimitation shall be drawn between Denmark's and Norway's fisheries zones and continental shelf areas in the waters between Greenland and Jan Mayen, and to draw that line."

and that Norway had asked the Court to adjudge and declare that the median line constituted the boundary for the purposes of delimitation of the relevant areas of both the continental shelf and the fisheries zone between Norway and Denmark in the region between Jan Mayen and Greenland. The Court then describes the maritime areas which have featured in the arguments of the Parties (paras. 11-21).

The contention that a delimitation already exists (paras. 22-40)

A principal contention of Norway is that a delimitation has already been established between Jan Mayen and Greenland. The effect of treaties in force between the Parties - a bilateral Agreement of 1965 and the 1958 Geneva Convention on the Continental Shelf - has been, according to Norway, to establish the median line as the boundary of the continental shelf of the Parties, and the practice of the Parties in respect of fishery zones has represented a recognition of existing continental shelf boundaries as being also applicable to the exercise of fisheries jurisdiction. These contentions, that the applicability of a median line delimitation in the relations between the Parties has long been recognized in the context both of the continental shelf and of fishery zones and that a boundary is already in place, will need to be examined first.

The 1965 Agreement (paras. 23-30)

On 8 December 1965 Denmark and Norway concluded an Agreement concerning the delimitation of the continental shelf. Article 1 of that Agreement reads:

"The boundary between those parts of the continental shelf over which Norway and Denmark respectively exercise sovereign rights shall be the median line which at every point is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each Contracting Party is measured."

Article 2 provides that "In order that the principle set forth in article 1 may be properly applied, the boundary shall consist of straight lines" which are then defined by eight points, enumerated with the relevant geodetic coordinates and as indicated on the chart thereto annexed; the lines so defined lie in the Skagerrak and part of the North Sea, between the mainland territories of Denmark and Norway. Norway contends that the text of article 1 is general in scope, unqualified and without reservation, and that the natural meaning of that text must be "to establish definitively the basis for all boundaries which would eventually fall to be demarcated" between the Parties. In its view article 2, which admittedly relates only to the continental shelves of the two mainlands, "is concerned with demarcation". Norway deduces that the Parties are and remain committed to the median line principle of the 1965 Agreement. Denmark on the other hand argues that the Agreement is not of such general application and that its object and purpose is solely the delimitation in the Skagerrak and part of the North Sea on a median line basis.

The Court considers that the object and purpose of the 1965 Agreement was to provide simply for the question of the delimitation in the Skagerrak and part of the North Sea, where the whole seabed (with the exception of the "Norwegian Trough") consists of continental shelf at a depth of less than 200 metres and that there is nothing to suggest that the Parties had in mind the possibility that a shelf boundary between Greenland and Jan Mayen might one day be required, or intended that their Agreement should apply to such a boundary.

After examining the Agreement in its context, in the light of its object and purpose, the Court also takes into account the subsequent practice of the Parties, especially a subsequent treaty in the same field concluded in 1979. It considers that if the intention of the 1965 Agreement had been to commit the Parties to the median line in all ensuing shelf delimitations, it would have been referred to in the 1979 Agreement. The Court is thus of the view that the 1965 Agreement did not result in a median line delimitation of the continental shelf between Greenland and Jan Mayen.

The 1958 Geneva Convention on the Continental Shelf (paras. 31-32)

The validity of the argument that the 1958 Convention resulted in a median line continental shelf boundary already "in place" between Greenland and Jan Mayen is found to depend on whether the Court

finds that there are "special circumstances" as contemplated by the Convention, a question to be dealt with later. The Court therefore turns to the arguments which Norway bases upon the conduct of the Parties and of Denmark in particular.

Conduct of the Parties (paras. 33-40)

Norway contends that, up to some ten years ago at least, the Parties by their "conjoint conduct" had long recognized the applicability of a median line delimitation in their mutual relations. The Court observes that it is the conduct of Denmark which has primarily to be examined in this connection.

The Court is not persuaded that a Danish Decree of 7 June 1963 concerning the Exercise of Danish Sovereignty over the Continental Shelf supports the argument which Norway seeks to base on conduct. Nor do a Danish Act of 17 December 1976 or an Executive Order of 14 May 1980, issued pursuant to that Act, commit Denmark to acceptance of a median line boundary in the area. An Agreement of 15 June 1979 between the Parties concerning the delimitation between Norway and the Faroe Islands does not commit Denmark to a median line boundary in a quite different area. Danish statements made in the course of diplomatic contacts and during the Third United Nations Conference on the Law of the Sea had also not prejudiced Denmark's position.

Summing up, the Court concludes that the Agreement entered into between the Parties on 8 December 1965 cannot be interpreted to mean, as contended by Norway, that the Parties have already defined the continental shelf boundary as the median line between Greenland and Jan Mayen. Nor can the Court attribute such an effect to the provision of article 6, paragraph 1, of the 1958 Convention, so as to conclude that by virtue of that Convention the median line is already the continental shelf boundary between Greenland and Jan Mayen. Nor can such a result be deduced from the conduct of the Parties concerning the continental shelf boundary and the fishery zone. In consequence, the Court does not consider that a median line boundary is already "in place", either as the continental shelf boundary, or as that of the fishery zone. The Court therefore proceeds to examine the law applicable at present to the delimitation question still outstanding between the Parties.

The applicable law (paras. 41-48)

The Court notes that the Parties differ on the question whether what is required is one delimitation line or two lines, Denmark asking for "a single line of delimitation of the fishery zone and continental shelf area", and Norway contending that the median line constitutes the boundary for delimitation of the continental shelf, and constitutes also the boundary for the delimitation of the fishery zone, i.e., that the two lines would coincide, but the two boundaries would remain conceptually distinct.

The Court refers to the Gulf of Maine case in which it was asked what was "the course of the single maritime boundary that divides the continental shelf and fishery zones of Canada and the United States of America". It observes that in the present case it is not empowered - or constrained - by any agreement for a single dual-purpose boundary and that it has already found that there is not a continental shelf boundary already in place. It therefore goes on to examine separately the two strands of the applicable law: the effect of article 6 of the 1958 Convention if applied at the present time to the delimitation of the continental shelf boundary, and then the effect of the application of the customary law which governs the fishery zone.

The Court further observes that the applicability of the 1958 Convention to the continental shelf delimitation in this case does not mean that article 6 of that Convention can be interpreted and applied either without reference to customary law on the subject, or wholly independently of the fact that a fishery zone boundary is also in question in these waters. After examining the case-law in this field and the provisions of the 1982 United Nations Convention on the Law of the Sea, the Court notes that the

statement (in those provisions) of an "equitable solution" as the aim of any delimitation process reflects the requirements of customary law as regards the delimitation both of continental shelf and of exclusive economic zones.

The provisional median line (paras. 49-52)

Turning first to the delimitation of the continental shelf, the Court finds that it is appropriate, both on the basis of article 6 of the 1958 Convention and on the basis of customary law concerning the continental shelf, to begin with the median line as a provisional line and then to ask whether "special circumstances" require any adjustment or shifting of that line. After subsequent examination of the relevant precedents with regard to the delimitation of the fishery zones, it appears to the Court that, both for the continental shelf and for the fishery zones in this case, it is proper to begin the process of delimitation by a median line provisionally drawn.

"Special circumstances" and "relevant circumstances" (paras. 54-58)

The Court then observes that it is called upon to examine every particular factor of the case which might suggest an adjustment or shifting of the median line provisionally drawn. The aim in each and every situation must be to achieve "an equitable result". From this standpoint, the 1958 Convention requires the investigation of any "special circumstances"; the customary law based upon equitable principles on the other hand requires the investigation of "relevant circumstances".

The concept of "special circumstances" was included in the 1958 Geneva Conventions on the Territorial Sea and the Contiguous Zone (art. 12) and on the Continental Shelf (art. 6, paras. 1 and 2). It was and remains linked to the equidistance method there contemplated. It is thus apparent that special circumstances are those circumstances which might distort the result produced by an unqualified application of the equidistance principle. General international law has employed the concept of "relevant circumstances". This concept can be defined as a fact necessary to be taken into account, in the delimitation process, to the extent that it affects the rights of the Parties over certain maritime areas. Although it is a matter of categories which are different in origin and in name, there is inevitably a tendency towards assimilation between the special circumstances of article 6 of the 1958 Convention and the relevant circumstances under customary law, and this if only because they both are intended to enable the achievement of an equitable result. This must be especially true in the case of opposite coasts where, as has been seen, the tendency of customary law, like the terms of article 6, has been to postulate the median line as leading prima facie to an equitable result.

The Court then turns to the question whether the circumstances of the present case require adjustment or shifting of that line, taking into account the arguments relied on by Norway to justify the median line, and the circumstances invoked by Denmark as justifying the 200-mile line.

Disparity of length of coasts (paras. 61-71)

A first factor of a geophysical character, and one which has featured most prominently in the argument of Denmark, in regard to both continental shelf and fishery zone, is the disparity or disproportion between the lengths of the "relevant coasts".

Prima facie, a median line delimitation between opposite coasts results in general in an equitable solution, particularly if the coasts in question are nearly parallel. There are however situations - and the present case is one such - in which the relationship between the length of the relevant coasts, and the maritime areas generated by them by application of the equidistance method, is so disproportionate that it has been found necessary to take this circumstance into account in order to ensure an equitable solution.

In the light of the existing case-law the Court comes to the conclusion that the striking difference in length of the relevant coasts in this case (which had been calculated as approximately 9 (for Greenland) to 1 (for Jan Mayen)) constitutes a special circumstance within the meaning of Article 6, paragraph 1, of the 1958 Convention. Similarly, as regards the fishery zones, the Court is of the opinion that the application of the median line leads to manifestly inequitable results.

It follows that, in the light of the disparity of coastal lengths, the median line should be adjusted or shifted in such a way as to effect a delimitation closer to the coast of Jan Mayen. It should, however, be made clear that taking account ofthe disparity of coastal lengths does not mean a direct and mathematical application of the relationship between the length of the coastal front of eastern Greenland and that of Jan Mayen. Nor do the circumstances require the Court to uphold the claim of Denmark that the boundary line should be drawn 200 miles from the baselines on the coast of eastern Greenland, i.e., a delimitation giving Denmark maximum extension of its claim to continental shelf and fishery zone. The result of such a delimitation would be to leave to Norway merely the residual part of the "area relevant to the delimitation dispute" as defined by Denmark. The delimitation according to the 200-mile line calculated from the coasts of eastern Greenland may from a mathematical perspective seem more equitable than that effected on the basis of the median line, regard being had to the disparity in coastal lengths; but this does not mean that the result is equitable in itself, which is the objective of every maritime delimitation based on law. The Court observes in this respect that the coast of Jan Mayen, no less than that of eastern Greenland, generates potential title to the maritime areas recognized by customary law, i.e., in principle up to a limit of 200 miles from its baselines. To attribute to Norway merely the residual area left after giving full effect to the eastern coast of Greenland would run wholly counter to the rights of Jan Mayen and also to the demands of equity.

At this stage of its analysis, the Court thus considers that neither the median line nor the 200-mile line calculated from the coasts of eastern Greenland in the relevant area should be adopted as the boundary of the continental shelf or of the fishery zone. It follows that the boundary line must be situated between these two lines described above, and located in such a way that the solution obtained is justified by the special circumstances confronted by the 1958 Convention on the Continental Shelf, and equitable on the basis of the principles and rules of customary international law. The Court will therefore next consider what other circumstances may also affect the position of the boundary line.

Access to resources (paras. 72-78)

The Court then turns to the question whether access to the resources of the area of overlapping claims constitutes a factor relevant to the delimitation. The Parties are essentially in conflict over access to fishery resources, the principal exploited fishery resource being capelin. The Court has therefore to consider whether any shifting or adjustment of the median line, as fishery zone boundary, would be required to ensure equitable access to the capelin fishery resources.

It appears to the Court that the seasonal migration of the capelin presents a pattern which, north of the 200-mile line claimed by Iceland, may be said to centre on the southern part of the area of overlapping claims, approximately between that line and the parallel of 720 North latitude, and that the delimitation of the fishery zone should reflect this fact. It is clear that no delimitation in the area could guarantee to each Party the presence in every year of fishable quantities of capelin in the zone allotted to it by the line. It appears however to the Court that the median line is too far to the west for Denmark to be assured of an equitable access to the capelin stock, since it would attribute to Norway the whole of the area of overlapping claims. For this reason also the median line thus requires to be adjusted or shifted eastwards. The Court is further satisfied that while ice constitutes a considerable seasonal restriction of access to the waters, it does not materially affect access to migratory fishery resources in the southern part of the area of overlapping claims.

Population and economy (paras. 79-80)

Denmark considers as also relevant to the delimitation the major differences between Greenland and Jan Mayen as regards population and socio-economic factors.

The Court observes that the attribution of maritime areas to the territory of a State, which, by its nature, is destined to be permanent, is a legal process based solely on the possession by the territory concerned of a coastline. The Court recalls in the present dispute the observations it had occasion to make, concerning continental shelf delimitation, in the Continental Shelf (Libyan Arab Jamahiriya/Malta) case, namely that a delimitation should not be influenced by the relative economic position of the two States in question, in such a way that the area of continental shelf regarded as appertaining to the less rich of the two States would be somewhat increased in order to compensate for its inferiority in economic resources.

The Court therefore concludes that, in the delimitation to be effected in this case, there is no reason to consider either the limited nature of the population of Jan Mayen or socio-economic factors as circumstances to be taken into account.

Security (para. 81)

Norway has argued, in relation to the Danish claim to a 200-mile zone off Greenland, that "the drawing of a boundary closer to one State than to another would imply an inequitable displacement of the possibility of the former State to protect interests which require protection".

In the Libya/Malta case, the Court was satisfied that:

> "the delimitation which will result from the application of the present Judgment is ... not so near to the coast of either Party as to make questions of security a particular consideration in the present case" (I.C.J. Reports 1985, p. 42, para. 51).

The Court is similarly satisfied in the present case as regards the delimitation to be described below.

Conduct of the Parties (paras. 82-86)

Denmark has contended that the conduct of the Parties is a highly relevant factor in the choice of the appropriate method of delimitation where such conduct has indicated some particular method as being likely to produce an equitable result. In this respect, Denmark relies on the maritime delimitation between Norway and Iceland, and on a boundary line established by Norway between the economic zone of mainland Norway and the fishery protection zone of the Svalbard Archipelago (Bear Island - Bjornoya).

So far as Bear Island is concerned, this territory is situated in a region unrelated to the area of overlapping claims now to be delimited. In that respect, the Court observes that there can be no legal obligation for a party to a dispute to transpose, for the settlement of that dispute, a particular solution previously adopted by it in a different context. As for the delimitation between Iceland and Norway, international law does not prescribe, with a view to reaching an equitable solution, the adoption of a single method for the delimitation of the maritime spaces on all sides of an island, or for the whole of the coastal front of a particular State, rather than, if desired, varying systems of delimitation for the various parts of the coast. The conduct of the parties will in many cases therefore have no influence on such a delimitation. For these reasons, the Court concludes that the conduct of the Parties does not constitute an element which could influence the operation of delimitation in the present case.

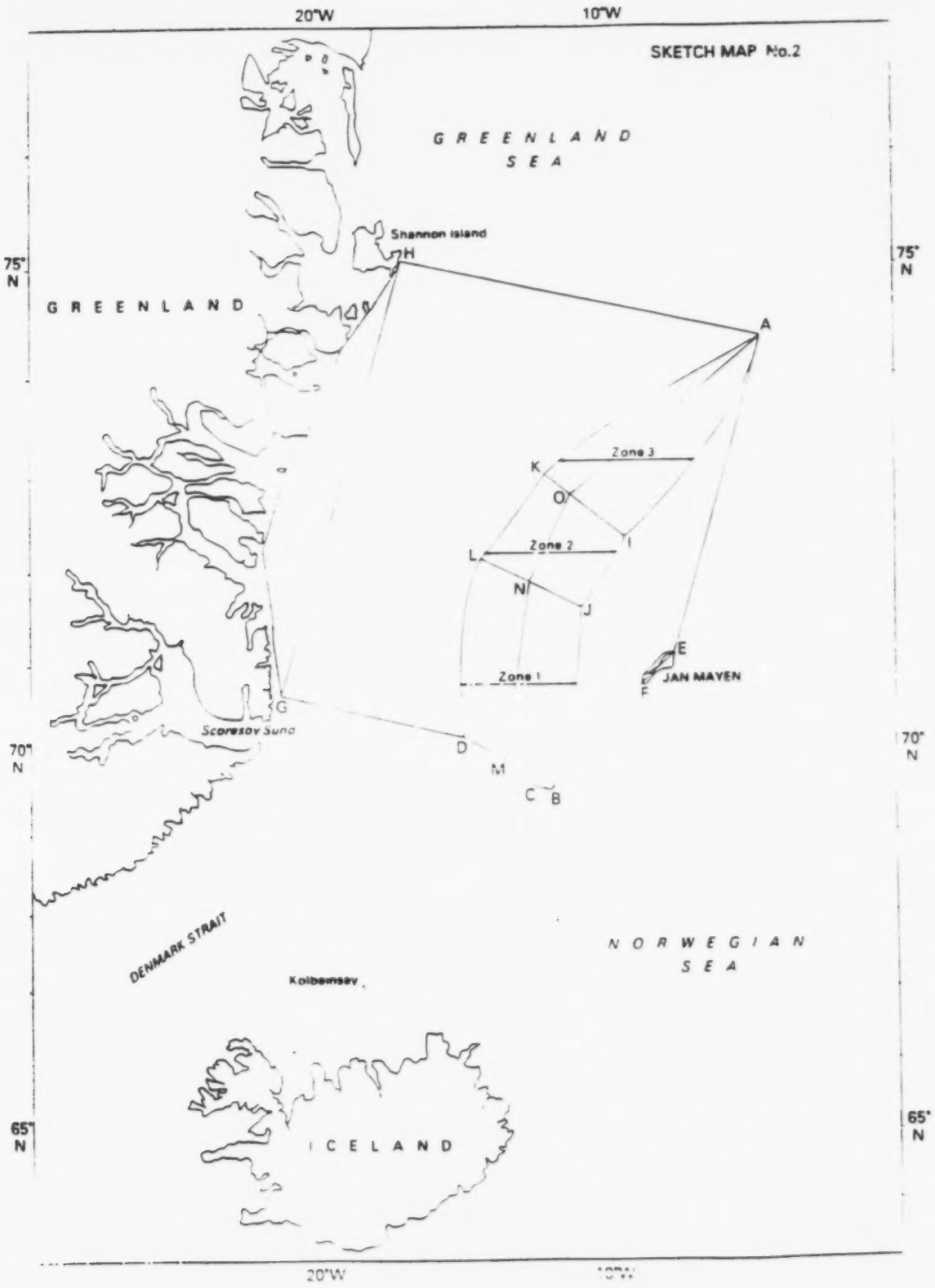
The definition of the delimitation line (paras. 87-93)

Having thus completed its examination of the geophysical and other circumstances brought to its attention as appropriate to be taken into account for the purposes of the delimitation of the continental shelf and the fishery zones, the Court has come to the conclusion that the median line, adopted provisionally for both as first stage in the delimitation, should be adjusted or shifted to become a line such as to attribute a larger area of maritime space to Denmark than would the median line. The line drawn by Denmark 200 nautical miles from the baselines of eastern Greenland would however be excessive as an adjustment, and would be inequitable in its effects. The delimitation line must therefore be drawn within the area of overlapping claims, between the lines proposed by each Party. The Court will therefore now proceed to examine the question of the precise position of that line.

To give only a broad indication of the manner in which the definition of the delimitation line should be fixed, and to leave the matter for the further agreement of the Parties, as urged by Norway, would in the Court's view not be a complete discharge of its duty to determine the dispute. The Court is satisfied that it should define the delimitation line in such a way that any questions which might still remain would be matters strictly relating to hydrographic technicalities which the Parties, with the help of their experts, can certainly resolve. The area of overlapping claims in this case is defined by the median line and the 200-mile line from Greenland, and those lines are both geometrical constructs; there might be differences of opinion over basepoints, but given defined basepoints, the two lines follow automatically. The median line provisionally drawn as first stage in the delimitation process has accordingly been defined by reference to the basepoints indicated by the Parties on the coasts of Greenland and Jan Mayen. Similarly the Court may define the delimitation line, now to be indicated, by reference to that median line and to the 200-mile line calculated by Denmark from the basepoints on the coast of Greenland. Accordingly the Court will proceed to establish such a delimitation, using for this purpose the baselines and coordinates which the Parties themselves have been content to employ in their pleadings and oral argument.

[Para. 91] The delimitation line is to lie between the median line and the 200-mile line from the baselines of eastern Greenland. It will run from point A in the north, the point of intersection of those two lines, to a point on the 200-mile line drawn from the baselines claimed by Iceland, between points D (the intersection of the median line with the 200-mile line claimed by Iceland) and B (the intersection of Greenland's 200-mile line and the 200-mile line claimed by Iceland) on sketch-map No. 2. For the purposes of definition of the line, and with a view to making proper provision for equitable access to fishery resources, the area of overlapping claims will be divided into three zones, as follows. Greenland's 200-mile line (between points A and B on sketch-map No. 2) shows two marked changes of direction, indicated on the sketch-map as points I and J; similarly the median line shows two corresponding changes of direction, marked as points K and L. Straight lines drawn between point I and point K, and between point J and point L, thus divide the area of overlapping claims into three zones, to be referred to, successively from south to north, as zone 1, zone 2 and zone 3.

[Para. 92] The southernmost zone, zone 1, corresponds essentially to the principal fishing area. In the view of the Court, the two Parties should enjoy equitable access to the fishing resources of this zone. For this purpose a point, to be designated point M, is identified on the 200-mile line claimed by Iceland between points B and D, and equidistant from those points, and a line is drawn from point M so as to intersect the line between point J and L, at a point designated point N, so as to divide zone 1 into two parts of equal area. The dividing line is shown on sketch-map No. 2 as the line between points N and M. So far as zones 2 and 3 are concerned, it is a question of drawing the appropriate conclusions, in the application of equitable principles, from the circumstance of the marked disparity in coastal lengths, discussed in paragraphs 61 to 71 above. The Court considers that an equal division of the whole area of overlapping claims would give too great a weight to this circumstance. Taking into account the equal division of zone 1, it considers that the requirements of equity would be met by the following division of


20°W
10°W
SKETCH MAP No.2
GREENLAND SEA
Shannon Island
H
75° N
GREENLAND
A
Zone 3
K
O
I
Zone 2
L
N
J
E
Zone 1
JAN MAYEN
F
G
Scoresby Sund
70° N
D
M
C
B
DENMARK STRAIT
NORWEGIAN SEA
Kolbeinsey
ICELAND
65° N
20°W

the remainder of the area of overlapping claims: a point (O on sketch-map No. 2) is to be determined on the line between I and K such that the distance from I to O is twice the distance from O to K; the delimitation of zones 2 and 3 is then effected by the straight line from point N to this point O, and the straight line from point O to point A.

The Court sets out the coordinates of the various points, for the information of the Parties.

Annex to Press Communiqué 93/143

Declaration of Vice-President Oda

In his declaration Judge Oda explains that, the Court having taken a decision on the substance of the case despite his own view that the Application should have been dismissed as misconceived, he voted with the majority because the line chosen lay within the infinite range of possibilities open to selection by the Parties had they reached agreement.

Declaration of Judge Evensen

In his concurring declaration, Judge Evensen stresses that the United Nations Law of the Sea Convention of 10 December 1982 expresses a number of principles that must be considered governing principles of international law although the Convention has not yet entered into force.

Jan Mayen must be regarded an island and not solely a rock. Article 121, paragraph 2, of the Convention provides that in principle islands shall be governed by the same legal regime as "other land territory". Thus Jan Mayen must be taken into consideration in the delimitation of the maritime zones vis-à-vis Greenland, a continental size area.

It lies within the Court's measure of discretion to establish a system of equitable access to fish resources in areas of overlapping claims. In his declaration, Judge Evensen endorses the proposed system for the distribution of these resources of the adjacent seas.

Declaration of Judge Aguilar

Judge Aguilar voted for the Judgment because he concurs with its reasoning. He is, however, not persuaded that the delimitation line as drawn by the Court provides for an equitable result. In his opinion, the difference in the lengths of the coasts of Greenland and Jan Mayen is such that Greenland (Denmark) should have received a larger proportion of the disputed area. Given the importance attached to this factor in the Judgment, it would have been logical at least to make an equal distribution of zones 1, 2 and 3.

Declaration of Judge Ranjeva

Judge Ranjeva appended a declaration to the Court's Judgment indicating that he had voted in favour of the operative part and subscribed to the arguments on which it is based. In his view, the result was an equitable one. He would nevertheless have wished the Court to be more explicit in stating its reasons for drawing the delimitation line adopted. For in the exercise of its discretionary power, the Court could indeed have been more specific as regards the criteria, methods and rules of law applied. Also, he would have preferred the Court to make it clear that it was in relation to the rights of the Parties to their maritime spaces that the special or relevant circumstances could or sometimes should be taken into account in a delimitation operation; for these were facts affecting the rights of States, as recognized in positive law, either in their entirety, or in the exercise of the powers relating thereto. The proper administration of justice and legal security depend on the certainty of the legal rule.

On the other hand, in the view of Judge Ranjeva, although the Court - and rightly so - had no need to explore the legal scope of statements made by a State at the Third United Nations Conference on the Law of the Sea, the Court should not, considering the exceptional procedure adopted on that occasion, have taken account of positions which were unofficial only and entirely non-committing.

Separate opinion of Vice-President Oda

In his separate opinion Judge Oda emphasizes that the Court can be endowed with the competence to delimit a maritime boundary only by specific agreement of both parties concerned. Denmark's unilateral application ought, consequently, to have been dismissed. Denmark's submissions furthermore supposed, wrongly, that the exclusive economic zone could coexist with a fishery zone of the kind eliminated from the 1982 Convention on the Law of the Sea. Its request for a single-line boundary also overlooked the separate background and evolution of the continental shelf regime.

In that respect Judge Oda considers that the Court wrongly followed the Parties in applying article 6 of the 1958 Convention, which relates to a superseded concept of the continental shelf. What applies today to the delimitation of either the continental shelf or the exclusive economic zone is the customary law reflected in the 1982 Convention, which leaves the Parties free to reach agreement on any line they choose, since the reference to an "equitable solution" is not expressive of a rule of law.

A third party called upon to settle a disagreement over delimitation may either suggest guidelines to the parties or itself choose a line providing an equitable solution. In Judge Oda's view the Court, as a judicial body applying international law, is however precluded from taking the second course unless mandated by both parties to do so. It should not have so proceeded on an application which relied on declarations under Article 36, paragraph 2, of the Statute, since such declarations confer jurisdiction only for strictly legal disputes, whereas an act of delimitation requires an assessment ex aequo et bono.

Judge Oda further criticizes the Court's concentration on the area of overlap between claims, to the neglect of the whole relevant area, as well as its failure to give any good reason why access to fishing resources should have been taken into account in relation to a boundary applying to the continental shelf.

Separate opinion of Judge Schwebel

Judge Schwebel, in his separate opinion, maintains that the Court's Judgment is questionable with respect to the following three questions:

1. Should the law of maritime delimitation be revised to introduce and apply distributive justice?

2. Should the differing extent of the lengths of opposite coastlines determine the position of the line of delimitation?

3. Should maximalist claims be rewarded?

However, he concluded that, since what is equitable appears to be as variable as the climate of The Hague, ground for dissent from the Court's Judgment is lacking.

Separate opinion of Judge Shahabuddeen

In his separate opinion, Judge Shahabuddeen says that he understands the Judgment to be upholding Norway's view that the 1958 conventional delimitation formula means that, in the absence of agreement and of special circumstances, the boundary is the median line. He gives his reasons for

agreeing with this view and for declining to accept that the conventional formula is to be equated with the customary formula. He is not persuaded that the equation suggested by the 1977 Anglo-French arbitral decision should be followed.

He thinks that the concept of natural prolongation, considered in a physical sense, has placed limits on recourse to proportionality. In his view, the movement away from the physical aspect of natural prolongation should be followed by a relaxation of those limits.

Judge Shahabuddeen gives his reasons for holding that the decision of the Court is not ex aequo et bono. He has some doubts as to whether a single line is possible in the absence of agreement by the Parties to such a line being established. He agrees that in the state of the technical material before the Court, an actual delimitation line should not be drawn, but considers that, had the material been adequate, the Court could competently have drawn such a line notwithstanding Norway's non-consent to that being done.

Finally, in his view, where Parties have failed to agree on a boundary, the resulting dispute as to what is the boundary is susceptible of judicial settlement via a unilateral application made under Article 36, paragraph 2, of the Statute of the Court.

Separate opinion of Judge Weeramantry

Judge Weeramantry, in his separate opinion, expresses his agreement with the Judgment of the Court and examines the special role played by equity in the Court's reasoning and conclusions. As the use of equity in maritime delimitation is currently passing through a critical phase, the opinion studies its operation in this case from several angles. It looks at the relevance to the Judgment of equitable principles, equitable procedures, equitable methods and equitable results. The opinion stresses that equity operates, in the Judgment, infra legem and not contra legem or ex aequo et bono, and traces the various routes of entry of equity into maritime delimitation. It distinguishes the a priori employment of equity to work towards a result from its a posteriori employment, to check a result thus obtained, and sets out the various uses of equity and its various methods of operation in this case. It also analyses the Judgment in the light of the several component elements of an equitable decision.

Examining the various uncertainties in the use of equity in maritime delimitation, the opinion seeks to show that these do not constitute a sufficient reason for rejecting the use of equity as an aid both to particular delimitations such as the present and to the general development of the law of the sea.

The opinion also looks at the particular invocations, by treaty and otherwise, of equity in maritime delimitation. It concludes by examining the concept of equity in global terms, showing that a search of global traditions of equity can yield perspectives of far-reaching importance to the developing law of the sea.

Separate opinion of Judge Ajibola

In his separate opinion, Judge Ajibola, while strongly supporting the Court's decision, considers that some areas of the Judgment should be elaborated. He first refers to some procedural issues relating to jurisdiction: Could the Court draw any line, and should the line have been a dual-purpose single line or two lines? Should only a declaratory judgment have been given? Can the Court engage in a delimitation without the agreement of the Parties? However that might be, the Court, once convinced that there is an issue in dispute, ought to proceed to a decision on the merits.

As to the question of whether there should be one line or two, the development of the law of maritime delimitation and the relevant case-law support the Court's conclusions.

Characterizing the Danish submissions as more a claim of entitlement than a call for delimitation, Judge Ajibola points out that, despite the disparity of size, the entitlement of Norway in respect of Jan Mayen is equally justifiable and recognized in international law.

He then examines the equitable principles in maritime boundary delimitation, coming to the conclusion that they are the fundamental principles which now apply to maritime delimitation in customary international law and that they can be expected to underlie its future development.

Finally, Judge Ajibola examines the concepts of "special circumstances" under the 1958 Convention and of "relevant circumstances" under customary international law, concluding that there is effective equivalence between, on the one hand, the triad of agreement, special circumstances and equidistance and, on the other, that of agreement, relevant circumstances and equitable principles, with the last-mentioned constituting the ultimate rule under modern customary law.

Dissenting opinion of Judge ad hoc Fischer

Judge Fischer has voted against the decision as he considers that the most equitable solution would have been a delimitation at a distance of 200 nautical miles from East Greenland. His main reasons are the following.

He does not think that the Court has sufficiently taken the difference between the relevant coasts of East Greenland (approximately 524 kilometres) and Jan Mayen (approximately 58 kilometres) into consideration. The ratio is more than 9 to 1 in favour of Greenland whereas the ratio of allocated area is only 3 to 1. The delimitation 200 miles from Greenland would have allocated areas to the Parties in the ratio of 6 to 1 which, according to Judge Fischer, would have been in conformity with the generally accepted principle of proportionality.

Contrary to the standpoint of the Court, Judge Fischer considers that the fundamental difference between Greenland and Jan Mayen with respect to their demographic, socio-economic and political structures should have been taken into consideration. He has underlined that Greenland is a viable human society with a population of 55,000 which is heavily dependent on fisheries and with political autonomy, whereas Jan Mayen has no population in the proper sense of the word.

Judge Fischer furthermore considers that the Iceland-Jan Mayen delimitation which respects Iceland's 200-mile zone is highly important for the present case. As the relevant factors in the two cases are very similar, it would have been just and equitable to draw the delimitation line in the present case in a manner similar to the Iceland-Jan Mayen delimitation.

Judge Fischer is opposed to the method of using a median line as a provisionally drawn line. Judicial practice is in his opinion ambiguous and no such method can be deduced from article 6 of the 1958 Convention on the Continental Shelf.

Finally, Judge Fischer considers the method of dividing the area of overlapping claims into three zones and of dividing each of these zones according to different criteria to be artificial and without foundation in international law.

C. United Nations sales publications prepared by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs

1. **The law of the sea: official text of the United Nations Convention on the Law of the Sea with annexes and index, Final Act of the Third United Nations Conference on the Law of the Sea - Introductory material on the Convention and the Conference. 1983. 224 p. $12.95.**
   Sales No. E.83.V.5 (Arabic, Chinese, English, French, Russian, Spanish).

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4. **The law of the sea: master file containing references to official documents of the Third United Nations Conference on the Law of the Sea. 1985. 176 p. $19.50.**
   Sales No. E.85.V.9 (English, French, Spanish).

5. **The law of the sea: national legislation on the exclusive economic zone, the economic zone and the exclusive fishery zone. 1986. 337 p. $35.00.**
   Sales No. E.85.V.10 (English only).

6. **The law of the sea: multilateral treaties relevant to the United Nations Convention on the Law of the Sea. 1985. 108 p. $14.50.**
   Sales No. E.85.V.11 (English, French, Spanish).

7. **The law of the sea: pollution by dumping - legislative history of articles 1(5), 210 and 216 of the United Nations Convention on the Law of the Sea. 1985. 77 p. $11.50.**
   Sales No. E.85.V.12 (English, French, Spanish).

8. **The law of the sea: a select bibliography - 1986. 84 p. $11.50.**
   (LOS/LIB/2). Sales No. E.87.V.2 (English only).

9. **The law of the sea: current developments in State practice (No. I). 1987. 225 p. $23.00.**
   Sales No. E.87.V.3 (English, French, Spanish).

10. **The law of the sea: rights of access of land-locked States to and from the sea and freedom of transit - legislative history of Part X, articles 124 to 132, of the United Nations Convention on the Law of the Sea. 1987. 126 p. $19.00.**
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11. **The law of the sea: regime of islands - legislative history of Part VIII (article 121) of the United Nations Convention on the Law of the Sea. 1988. 124 p. $13.50.**
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12. **The law of the sea: maritime boundary agreements (1970-1984). 1987. 297 p. $38.00.**
    Sales No. E.87.V.12 (English, French, Spanish).

13. **The law of the sea: a select bibliography - 1987. 49 p. $9.50. (LOS/LIB/3). Sales No. E.88.V.2 (English only).**

14. **The law of the sea: baselines - an examination of the relevant provisions of the United Nations Convention on the Law of the Sea. 1989. 70 p. $8.50. Sales No. E.88.V.5 (Arabic, English, French, Spanish).**

15. **The law of the sea: navigation on the high seas - legislative history of Part VII, section I (articles 87, 89, 90-94, 96-98), of the United Nations Convention on the Law of the Sea. 1989. 91 p. $12.00. Sales No. E.89.V.2 (English, French, Spanish).**

16. **The law of the sea: a select bibliography - 1988. 63 p. $11.00. (LOS/LIB/4). Sales No. E.89.V.3 (English only).**

17. **The law of the sea: national legislation on the continental shelf. 1989. 289 p. $30.00. Sales No. E.89.V.5 (English, French, Spanish).**

18. **The law of the sea: current developments in State practice (No. II). 1989. 212 p. $23.00. Sales No. E.89.V.7 (English, French, Spanish).**

19. **The law of the sea: national legislation, regulations and supplementary documents on marine scientific research in areas under national jurisdiction. 1989. 292 p. $32.00. Sales No. E.89.V.9 (English, French, Spanish).**

20. **The law of the sea: baselines - national legislation with illustrative maps. 1989. 390 p. $42.00. Sales No. E.89.V.10 (English, French, Spanish). (This compilation is complementary to item No. 14 entitled: Baselines: an examination of the relevant provisions of the United Nations Convention on the Law of the Sea, 1989).**

21. **The law of the sea: archipelagic States - legistative history of Part IV of the United Nations Convention on the Law of the Sea. 1990. 129 p. $17.50. Sales No. E.90.V.2 (English, French, Spanish).**

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23. **The law of the sea: a select bibliography - 1989. 47 p. $11.00. (LOS/LIB/5). Sales No. E.90.V.8 (English only).**

24. **The law of the sea: a select bibliography - 1990. 73 p. $12.00. (LOS/LIB/6). Sales No. E.91.V.2 (English only).**

25. **The law of the sea: marine scientific research. A guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea. 1991. 38 p. $12.00. Sales No. E.91.V.3 (Arabic, English, French, Spanish).**

26. The law of the sea: a bibliography on the law of the sea, 1968-1988 - two decades of law-making, State practice and doctrine. 1991. 472 p. $25.00
Sales No. E/F.91.V.7 (Bilingual: English-French).

27. The law of the sea: maritime boundary agreements (1942-1969). 1991. 96 p. Ill., maps. $25.00.
Sales No. E.91.V.11 (English, French, Spanish).

28. The law of the sea: Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea - Documents. Volume I. (First session, 1983). 1991. 431 p. $60.00.
Sales No. E.91.V.10 (English).

29. The law of the sea: straits used for international navigation - legislative history of Part III of the United Nations Convention on the Law of the Sea. Volume I. 1992. 152 p. $20.00.
Sales No. E.91.V.14 (English, French, Spanish).

30. The law of the sea: national claims to maritime jurisdiction - excerpts of legislation and table of claims. 1992. 145 p. $19.50.
Sales No. E.91.V.15 (English, French, Spanish).

31. The law of the sea: maritime boundary agreements (1985-1991). 1992. 97 p. Ill., maps. $15.00.
Sales No. E.92.V.2 (English, French, Spanish).

32. The law of the sea: practice of archipelagic States. 1992. 249 p. $32.00.
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33. The law of the sea: a select bibliography - 1991. 64 p. $15.00. (LOS/LIB/7).
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38.* Annual Review of Ocean Affairs: Law and Policy, Main Documents, 1985-1987. Vols. I and II. 1989. 940 p. $185.00. (English only). Annual. Includes index. Compiled and edited by the United Nations Office for Ocean Affairs and the Law of the Sea.

39.* Annual Review of Ocean Affairs: Law and Policy, Main Documents, 1988. Vol. III. 1990. 1416 p. $92.50. (English only). Annual. Includes index. Compiled and edited by the United Nations Office for Ocean Affairs and the Law of the Sea.

40. **The law of the sea: Annual Review of Ocean Affairs: Law and Policy, Main Documents, 1989. 1993. 594 p. $75.00. Annual. Includes index. Sales No. E.93.V.5 (English only).**

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42. **The law of the sea: a select bibliography - 1992. 61 p. $15.00. (LOS/LIB/8). Sales No. E.93.V.12 (English only).**

43. **The law of the sea: Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea - Documents. Volume II. (Second session, 1984). 1993. 788 p.**

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* Volumes I-III of the Annual Review of Ocean Affairs: Law and Policy, Main Documents (covering the years 1985-1988) should be ordered from UNIFO Publishers, Inc., P.O. Box 3858, Sarasota, Florida 34230, USA.

D. Corrigenda to Bulletin 23 of June 1993

1. Page 34, line 7, English publication only

Line 7 should read

44° west longitude and 42° west longitude.

2. Page 69, English publication only

Table of Claims to maritime zones, "Convention ratification/accession" column:

Ratification date for Djibouti should be 8/10/91.

3. Page 68

Table of Claims to maritime zones, "Continental Shelf" column:

Belgium: replace "up to the median line with opposite and adjacent States" by:

"Delimitation with opposite and adjacent States in conformity with article 83 of UNCLOS (Agreements concluded with France on 8 October 1990 and with the United Kingdom on 29 May 1991).

4. Page 76

Table of Claims to maritime zones, "Fishery zone" column:

Turkey has no claims of 12 miles. Act No. 2674 on the territorial sea of the Republic of Turkey does not contain any references to fishery zone - Note verbale No. 3315/1866, dated 11 October 1993.